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POLITICAL

NOTES AND OBSERVATIONS;

OR,

A GLANCE AT THE LEADING MEASURES THAT HAVE BEEN INTRODUCED AND DISCUSSED

IN THE

House of Assembly of New Brunswick,

UNDER THE

ADMINISTRATIONS OF SIR WILLIAM M. G. COLEBROOKE, SIR EDMUND WALKER HEAD, HON. J. H. T. MANNERS-SUTTON, AND HON. ARTHUR H. GORDON,

EXTENDING OVER A PERIOD OF TWENTY FIVE YEARS.

TOGETHER WITH AN

APPENDIX TO EACH CHAPTER,

EMBRACING A NOTICE OF ALL IMPORTANT LOCAL OCCURRENCES SINCE 1840.

By G. E. FENETY,
(QUEEN'S PRINTER.)

VOLUME I.

FREDERICTON—PUBLISHED BY S. R. MILLER, QUEEN STREET.
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PREFACE.

From a long experience, in connection with the Newspaper Press of this Province—having commenced the "Morning News" in Saint John in 1839, (the first Morning Paper upon the cash principle in the Lower Provinces, perhaps in British America,) and continued it down to 1863, the year of his appointment to the office which he now fills, the writer feels that he possesses pre-eminent advantages for discharging the duties which he has undertaken; and that his "Notes and Observations" will not prove devoid of interest to Politicians of a former day, as well as a means of instruction to the Political Student, for whom this work is chiefly intended. But, with his advantages, the writer has not been free from difficulties, which at the commencement seemed to be insuperable. Had there been published from year to year, official debates of the Assembly's proceedings, with the regularity of the Journals, there would have been materials at hand, in the Legislative Library, for the writer to work with,—while the seal of authority thus affixed to them, would have been a guarantee that the debates were authentic and impartial. Instead of this, it has only been at intervals that the House of Assembly have employed special Reporters. Two or three Sessions perhaps would pass away, and the public have to depend altogether upon the enterprise of the newspaper publishers, for the proceedings; and, as our political history has not been free from party spirit, it is not to be expected that Reporters, representing rival papers, would always be untinged by party bias while transcribing their notes for the Press. In 1840, the newspapers now published in Fredericton were not in existence. The Sentinel, published by Mr. Ward, (now no more,) was the only Journal in the Province (as far as can be ascertained,) that regularly contained the debates of the House; but the writer has been unable to procure a single *complete* volume, unless of a date anterior to suit his purpose. The Saint John Papers in 1840 were unrepresented in the Reporter's Gallery.* There appeared to be but little interest taken in politics. Ships and Deals at that time formed the chief concern of the Provincial mind. The writer, has, therefore, been unable to commence these Notes and Observations before the year 1842, when his own paper was the first to supply him with materials for the purpose, from the pen of his own special Reporter. At this period, however, or for

*On several occasions in former years Reporters were sent up from Saint John, and paid by private subscription.

a few years preceding, there was very little political life or excitement in the Legislature. A lull had set in after the Casual and Territorial tempest, well known to elder politicians. It was the halcyon period—"the days of political harmony," so called—the last years of the administration of Sir John Harvey, whose reputation stood so well with all parties in the Legislature, that a service of plate, worth £1500, was voted to him on the eve of his departure from the Province. The desire for Responsible Government had not yet begun to stir up the blood of the younger members,—or the embers of party smouldered, not having been kindled into a blaze by the collision of opposing forces. The wolf and the lamb, in an amicable spirit, lay down together and slaked their thirst at the same stream. There was a plethora of cash in the Provincial Chest, and no disagreement as to the mode of putting it into use. It was not until the arrival of Sir William Colebrooke in 1841, that the rumbling of the waters commenced, and the political atmosphere began to lower, and give tokens of approaching storms.

With such scant materials, as the writer could command, he was induced to do the best he could for a few years, until by means of more lengthened reports, from his own and other papers, that afterwards appeared, he found the ground gradually to improve and his labour to become less irksome. In order to be as impartial, as the character of this undertaking requires, he has not confined himself to one class of newspapers, but sought information from those entertaining opposite political views.* He trusts, therefore, that his honesty of intention, and a judgment matured by ripening years, will not allow him to betray a feeling calculated to do injustice to, much less wound the sensibilities of, those whose names may appear in this work—or if dead, the feelings of their friends.

Whatever his old party predilections may have been, any influence they once had over the writer, ceased on his retirement from the paper which he established, and controlled for nearly a quarter of a century. Besides, it is due to his official position, as well as to the cause of truth, to observe in this undertaking, the most rigid impartiality, "the soberness of history." Being well aware that the zeal of partizanship, which at a former day, may have led him into an expression of hastily formed, sometimes ill-advised, opinions, will not be tolerated by an intelligent public, in a work supposed to be conducted with coolness and deliberation—and after years of study and reflection.

* Reporter, Head Quarters, Morning News, Loyalist, (portions of) Sentinel, official Debates, Journals of the House of Assembly, &c.

With the best intentions, then, the writer approaches his subject—to reproduce in a compendious form, "the sayings and doings" of honorable gentlemen who formerly figured in debate, many of whose names have long since been forgotten. No new ground will be opened up. Every thing calculated to excite controversy, will be strictly eschewed. Nothing but recorded facts will be taken in hand. That is to say, no visionary speculations will be indulged in. Whenever occasion requires an expression of opinion, it will be done with due deference to what may be the supposed opinions of others.

More may be expected from this work by Politicians of a former day, than it is calculated to supply. If it were intended as a mere Parliamentary Record, it would be requisite that all the speeches of members should be reproduced. The intention and scope of the work, will not admit of this. The object is to convey information to the Political Student—or rather to direct his attention to where he may find a discussion upon any subject in which he may feel interested, more elaborately given. It is to convey within as brief compass as possible, the leading points—a consecutive narrative,—of all the principal measures that have been introduced into the House of Assembly from a particular period. It is, therefore, possible that many speeches, (although information will be garnered from all in the compilation,) will not be named at all; and quotations made only from such as will subserve the purpose of this work.

It may be here stated that it was the original intention of the writer, in preparing these papers, to submit them to one of our newspaper proprietors, for publication in his columns, to be continued from one number to another. But on proceeding, he found the matter so accumulated on his hands, that the abandonment of this plan was considered imperative. He then concluded to adopt the Pamphlet form, as less pretentious than that of a volume, and to issue it in monthly numbers of 96 pages. Should the reader find enough of interest in the undertaking—that is, in the matter itself—he can preserve the whole in boards, after the numbers are completed. If otherwise—if the reading turns out to be "stale and unprofitable,"—the owner will enjoy the full privilege of saving the expense of binding and consigning the Pamphlets to the flames—or treat them as having fallen still born from the Press. The writer, however, flatters himself with the belief that in reviving the memories of our older Politicians, an interest for the perusal of these pages will be created—while the young political student will find a great deal of new information in this old matter, with regard to the politics of his own Province, placed within his reach, which he other-

wise could not obtain—as, in the first place, it is not easy to get hold of back newspaper volumes, and in the second place, if it were easy, not a very inviting task to overhaul their contents. The work may also be useful to the future historian of our Province; the matter which it contains serving as a foundation for a more extended operation.

The endeavour will be to observe the strictest accuracy throughout. Mere errors of date, which it is not always easy to avoid,—for instance, on the introduction, or following up, of a measure through its several stages, or the "reporting of progress" from time to time,—may not, perhaps, be of so much moment; but errors of fact, will be as anxiously guarded against, as if the writer felt that his reputation for honesty depended upon his accuracy; and should substantial errors of this kind occur, the writer will, when they are brought to his knowledge, be pleased to make correction in the ensuing number.

In order to render the "Notes and Observations" more interesting and acceptable to the general reader, the writer will add, by way of Appendix to each Chapter, all the remarkable local occurrences that have appeared or rather been referred to in the newspapers, commencing with the year 1840. As there have been many such occurrences in connection with our New Brunswick history for the last twenty seven years, the republication or allusion to the most prominent of them, will, no doubt, be interesting to the rising generation, and to those persons who have settled in the Province of late years.

It will depend, however, upon the reception with which this, the first number of "Notes and Observations" meets, whether the work will be continued. Should it receive encouragement, the writer will feel a pleasure in following it up, embracing, in one continuous line, the Administrations of *Sir Wm. M. G. Colebrooke*, *Sir Edmund W. Head*, *Hon. J. H. T. Manners-Sutton*, *and Hon. Arthur H. Gordon*—the successive Governors of this Province—extending over a period of twenty five years. If, on the other hand, the work should not be considered as any acquisition to our Provincial literature, or calculated to compensate for the time necessary to its perusal, it will be discontinued, and an immense deal of labour consequently saved; and as he has no literary aspirations to gratify, the writer is quite sanguine that he will not lose a single night's repose from the effects of "wounded vanity."

G. E. F.

INTRODUCTION.

In order to have a correct appreciation of the political state of New Brunswick, past and present, it is essential that the system of Government that existed in 1840—not only in this, but in the adjoining Provinces—should be taken into consideration, and contrasted with the system that obtains at the present day. In this retrospection, the student will have an idea of the steady progress that has been made in our political institutions within the last five and twenty years, through the abilities, zeal and determination of the early Reformers. At the same time, nothing more than a *resumé* can be given of the various changes that have been wrought, and the instrumentalities by which they were accomplished. The history of Responsible, or self-Colonial Government, furnishes ample materials for several octavo volumes. The chief points of discussion, therefore, upon this question, are all that can be noticed in a work intended for a diversity of subjects.

The absence of Ministerial responsibility to the Colonial Assemblies was, until a recent period, the primary cause of complaint, whether by the people of Canada, Nova Scotia, or New Brunswick. The Lieutenant Governor, if an able and resolute man (like Sir Charles Metcalf,) could exercise all but supreme power, locally, not being circumscribed by any fixed constitutional rules; he received his instructions from the Colonial Office, and directions or advice, in minor matters, to be accepted or not, from a local Council of Royal appointment, whose individual interests and those of the country often clashed—whose power to do good or evil, give good or bad advice, was unlimited by time, and altogether beyond popular control. This Government exercised Legislative, Ministerial, and Executive functions, and possessed what was called a "back stairs influence" at the Colonial Office. The situation of an Executive Councillor was for life, or—which amounted almost to the same thing—during good behaviour. Nor was he required, by virtue of his office, to hold a seat in either branch of the Legislature, consequently he was not amenable to those influences which at the present day, may,

at any moment, dispossess a member of the Government of all his privileges. The Assembly might pass measures, demanded by the exigencies of the country; but the Government were not bound to sanction them, or see that they were carried into law. No measure that portended danger to "vested rights," could possibly have an opportunity of finding a place upon the statute book.

Another mode of Government, was by *Despatches*. The Colonial Secretary entered freely into discussion with the Lieutenant Governor, upon local matters—not unfrequently attended with good effect. For example, in New Brunswick we are told how to shape our Tariff to meet our expenses—why the Assembly should surrender the initiation of the money grants into the hands of the Executive, &c. &c. The Governor, as now, was the medium of communication between the Assembly and the Crown; and it was not to be expected that his advisers would take an open part with the people, in opposition to the views or behests of the Colonial Secretary, which at times were exceedingly meddlesome and annoying. Enjoying as they did the dispensation of the patronage, and some of them the best offices in the Province, the interests of the Government stood in the way of whatever patriotism they might have had.* They certainly had nothing to gain as individuals, but every thing to lose, by standing up for the country and running counter to the "Royal Instructions." But whatever part they played, whether inimical or not to the interests of the people, they knew that no vote of the Assembly could dislodge them. They were thoroughly independent of every body but the Governor. With such privileges, such powers, such offices, (some of them worth £1,500 a year,) the resistance to reform so stoutly maintained, was not to be wondered at—indeed it might have been regarded as a pardonable weakness; for it was well known that any change in such a system of exclusiveness, would eventuate disastrously to the monopoly enjoyed. Murdoch, in his History of Nova Scotia, No. 19, page 259, in speaking of the ruling party (the system the same in 1840) says—"In those early days (1807) every Province had a

* The same, no doubt, would be the case at the present day with individuals generally, under similar circumstances.

" little clique or connection that acted imperially over the " small affairs of a small country, and any opposition of " sentiment or claim to advancement by a party not allied " closely to the ruling power was viewed with deep hostility " by those who possessed influence." * * * *

At page 273, read as follows:—" The error of all the old " Colonial Constitutions, which combined in one small body " of men all kinds of offices and powers, some quite incom- " patible with others, was at the bottom of the mischief. " The same men were a Privy and a Cabinet Council and a " House of Lords. They also held most of the executive and " judicial offices, and their tenure of all these functions were " practically for life; also, on a vacancy in their number by " death or removal, they had it much in their own hands to " nominate the person to fill it. Thus a distinct oligarchy " was established. How could they help under-valuing the " men sent for a short period as deputies to the Assembly, " who had little influence as individuals except in the imme- " diate locality of their homes. How could they brook being " opposed, censured or called to account by parties compara- " tively so humble; and if some more distinguished persons " gave weight to the Resolutions of the House, they were " always liable to be charged with ambitious or mischievous " designs. So far from imputing moral blame to any Gover- " nor who leant to the Council against the House in our " earlier days, I think it would have been almost a miracle " for any one so situated and so surrounded to keep himself " free from bias of that nature."

The doors of the Executive Council being closed to all outsiders, it was impossible for the talents of the country to command any thing higher than a seat in the House of Assembly. The offices of Provincial Secretary, Attorney and Solicitor Generals, Surveyor General, and the Judges, were the inheritance of family and political influences; an appointment once made continued while life lasted. If the department was ill, or well managed, it was all the same, as far as the country had any thing to say in the matter. The Legislature was altogether impotent. If any redress were to be had at all, it was by appealing to the Colonial Office, a department not always well informed, or that understood

the merits of the matters at issue. The remedy, according to the Reformers, for the evils complained of, was to be provided in "Responsible Government"—but which "the Compact," so called at the time, denied would be productive of any thing but a subversion of British institutions in America. In their opinion, and they were doubtless sincere in their convictions, Responsible Government meant Republicanism,—it meant a condition incompatible with a dependency—self-government would lead to a restiveness under Imperial control, and final separation from the Mother Country.

But whatever the political disturbance in this Province, the spirit of party was by no means so rampant as it was in Nova Scotia and the Canadas. The Reformers of Upper and Lower Canada commenced their agitation for Responsible Government long before the people and their advocates in this Province began to study the first principles of it—certainly before they were ripe for taking legislative action upon the subject. In the Canadas, the lower Province particularly, extreme men led the way. The right wing of the Reform party received its inspiration from such as the Baldwins and Lafontaines—men of earnestness, but moderation; while the left, or ultra section, acknowledged the Papineaus, the Neilsons, the M'Kenzies, and the Rolphs, as their leaders. It was a question at the time, whether the extreme counsels of the latter were of more benefit than injury to the Colonies. It was contended by one class of thinkers that the fierce agitation which culminated in overt acts of treason in 1837, retarded the introduction of Responsible Government some years; while by another class it was remarked, that the pacific course of the moderate advocates, would have kept the Colonies in hot water for many years longer, and it was doubtful then, if the constitutional principles of the Reformers would have been fully established at any thing like as early a period. Of course there can be no sympathy with the course pursued by those, from whose evil counsel the good may have sprung. Nor is there conclusive proof that loyalty and perseverance would not have been equally available, had there been a becoming unanimity among the Reformers themselves—no division, as among the O'Connell

repeal party in Ireland in 1848, as to the best mode of enforcing their grievances upon the attention of the Crown.

But the rebellion of 1837–8, may be attributed in a great measure to the incoherent materials of which the population of Lower Canada was composed. It was accounted "a war of races" as well as a contention for political rights. The French had a large majority over the English in the Representative body; and all the principal measures were shaped to meet the views of the dominant party—but always to be rejected by the Government in the hands of the English. In 1838 an Association was formed in Lower Canada, called "The Constitutional Association of the City of Montreal." Its members comprised the chief loyal inhabitants of the Province, but mostly of the old Conservative party. An Address from this body was sent to the Legislatures of Nova Scotia and New Brunswick, respectively, when both were in Session. The Address sets forth that "the rights, the in-"terests and the property of the Provincial inhabitants of "British origin have been jeopardized by the designs of a "revolutionary French faction, madly bent upon their des-"truction. * * * * It is this exclusive French Canadian "spirit alone which has given rise to all the discontent exist-"ing in this Province—it is this which has, in fact, made the "question one of national origin, and not of political party—"in it is to be discovered the source of all the disturbances "which have brought sedition and rebellion in their train; "and in it alone is to be found a full and complete answer to "the inquiry, to what cause the present unhappy condition "of this Province is to be ascribed." The remedy proposed by this Association was a political amalgamation of the two races—a re-union of the Upper and Lower Provinces, in order that the English element might have some weight in the passing of measures through the Assembly. The object in sending the Address to the Nova Scotia and New Brunswick Legislatures, was to ask for an expression of opinion, and advice as to the best manner of carrying the principles proposed into practice. As an offset to this Address, and in proof that the complaints of the reformers were not altogether groundless, the following quotation from Lord Durham's Report, which appeared in 1839, is made:—

"The reformers, however, at last discovered that success "in the elections insured them very little practical benefit.— "For the official party, not being removed when it failed to "command a majority in the Assembly, continued to wield "all the powers of the Executive government, to strengthen "itself by its patronage, and to influence the policy of the "Colonial government and of the Colonial department at "home. By its secure majority in the Legislative Council, "it could effectually control the legislative powers of the "Assembly. It could choose its own moment for dissolving "hostile Assemblies; and could always insure, for those that "were favorable to itself, the tenure of their seats for the full "term of four years allowed by the law. Thus the reformers "found that their triumph at elections could not in any way "facilitate the progress of their views, while that executive "government remained constantly in the hands of their oppo- "nents. They rightly judged that if the higher offices and the "Executive Council were always held by those who could "command a majority in the Assembly, the constitution of "the Legislative Council was a matter of very little moment, "inasmuch as the advisers of the Governor could always take "care that its composition should be modified so as to suit "their own purposes. They concentrated their powers, "therefore, for the purpose of obtaining the responsibility of "the Executive Council; and I cannot help contrasting the "practical good sense of the English reformers of Upper "Canada with the less prudent course of the French majority "in the Assembly of Lower Canada, as exhibited in the "different demands of constitutional change, most earnestly "pressed by each. Both, in fact, desired the same object, "namely, an extension of popular influence in the govern- "ment. It is not in the terrors of the law, or in the might "of our armies, that the secure and honorable bond of con- "nection is to be found. It exists in the beneficial operation "of those British institutions which link the utmost develop- "ment of freedom and civilization with the stable authority "of an hereditary monarchy, and which, if rightly organized "and fairly administered in the Colonies, as in Great Britain, "would render a change of institutions only an additional "evil to the loss of the protection and commerce of the "British Empire."

The reformers of Nova Scotia considered that the Address had reference to an exclusively Canadian affair, a "family quarrel" among the inhabitants, with which there should be no outside intermeddling. If they had any sympathy to send, the Novascotians considered it should be divided between the rival factions, so that one should have no more than the other, as both were culpable, each to a certain extent. It was furthermore remarked, that the Address did not suggest any improved system of Government—nor take cognizance of a series of political grievances of which English and French reformers alike had for many years been complaining. These were studiously ignored—or kept out of sight. In substance it simply recited that the French in Lower Canada, far outnumbered the English, and consequently shaped all their legislation to suit themselves; and the only way to relieve the difficulty was by means of the plan proposed.

Hon. Mr. Howe, leader of the Liberal party, in Nova Scotia, thus spoke of this Address in the Assembly—"In that Associa-
"tion there were many men of reputation, and respectability,
"and independence, but besides these, nearly all of the official
"men of the city were members; those who opposed every
"attempt at political improvement, every measure likely to
"promote the general satisfaction, and whose object was to
"support that exclusiveness and ascendancy which had done
"so much evil. Men such as these had for years misled the
"British government; to bolster up high salaries and politi-
"cal ascendancy in all the Colonies, they had made them-
"selves active in supplying false information to a government
"which, of itself, was always disposed to do justice. He
"would not raise his voice in that House to abet rebellion
"elsewhere; and whenever he felt it necessary to do so, he
"had stated his views on that head, and had uniformly
"asserted that there was nothing in the state of the Canadas
"to justify a resort to arms. Even if the rebellion could be
"justified, and if it were successful, there was not the diffu-
"sion of knowledge, or moral or political power in the coun-
"try, sufficient to establish a government as good as that
"which they endeavored to overthrow."

In New Brunswick the reform spirit was not, at this period, co-equal with that of Nova Scotia, as exhibited in the respec-

tive Assemblies. Here, our rising politicians, having reform tendencies, vied with the Conservatives in their denunciations of the French. The Address was, therefore, received in our Assembly with acclamation. Mr. (L. A.) Wilmot saw but one way of neutralising the influence complained of—it was by establishing a Registry Act in Canada, the utter abolition of the feudal tenures, and the abolition of the French language from the Courts of Law and the Hall of Legislation.* He did not believe that "Lower Canada would be tranquillised "and restored to a proper state, till all the French distinguish- "ing marks were utterly abolished, and the English laws, "language and institutions, universally established through- "out the Province." Without such measures Mr. Wilmot did not see how a union of the two Provinces could be productive of the good expected—for 400,000 Frenchmen would be the same in union as out of it. Mr. Wilmot was at the time the acknowledged leader of the young Liberal party then forming in New Brunswick. Of course he was sincere in his belief, and represented the loyal feelings of the inhabitants, which, in consequence of the rebellion, were aroused with more intensity than ever, and to the exclusion of every other consideration.

Twenty eight years have since passed away, and it may be observed, without the point being disputed, that the French in Canada to day are considered to be among the most loyal of Her Majesty's subjects. Since the union and establishment of Responsible Government, there has not been a turbulent spirit once evinced—if the outbreak in Canada during a particular time in Lord Elgin's administration be excepted, (of which due notice will be taken hereafter in its proper place); but the French are altogether innocent of having shared any of the glory on that occasion. That *emeute* was conducted in a spirit by no means French.

Before the Act of Union, and a fair system of government, a steady stream of complaints, year after year, poured across the Atlantic from the respective Legislative Assemblies to Downing Street, which was then the "head quarters" of all the Colonial grievances afloat. The answers were seldom of a nature calculated to conciliate an irascible spirit. The

* See Blatch and Grigor's Reports for 1838.

"old party" had the ears of the Secretary; his avenues of information were confined and crooked. Like the grand inquest of a County, he was in a position only to hear one side of a story, to exercise his authority with one eye closed and the other but half open. We hear of no such complaints now-a-days. And yet the French still enjoy all their old immunities—such as speaking their own language in the Courts and in Parliament. Indeed not one of their old rights has been disturbed in consequence of, or as a pre-requisite to, the introduction of Responsible Government.

The conclusion arrived at for this better state of things, is, that the French no longer feel that they are kept apart politically from the English, or outside of the circle within which power and authority centre. They feel that worth and talents do as much now for a Frenchman in Canada as for an Anglo-Saxon—that the French are no longer a proscribed race—and that their leading men have attained to the highest places in the Government,—not only so, but have been Knighted by Her Majesty—as were the late and present Premiers, Sir E. P. Taché, and Sir N. F. Belleau.

In the struggles for Constitutional Government in the lower Provinces, Nova Scotia formed the chief battle ground. In that Province the people had not only more to complain of than we had; but whatever their grievances, the causes of them were upheld by a most powerful, wealthy and influential class, and in the Legislature by men of the very first talents. But, the opposition also embraced men of equal talents, withal firm in their purpose and independent in spirit. Indeed it is doubtful if any legislative body in the world (relative numbers of course being considered) possessed a greater galaxy of talents than the Assembly of Nova Scotia from 1836 down to the consolidation of Party Responsible Government in 1848. The names of the leaders on both sides in the long struggle for Constitutional Reform, are familiar to many of those who may read these pages, and need not be repeated. New Brunswick had nothing of this to boast of. Whatever talents we had in the Legislature seemed to be arrayed, with very few exceptions, on the dominant side.

But the opposition had also arrayed against them all the

influence of the Lieutenant Governor, (first that of Sir Colin Campbell, next his successor, Lord Falkland.) The sword wielded by His Excellency being double-edged, wounded the Liberals on two sides; his Despatches to the Colonial Office contained cutting reports against them under the mistaken notion that the aim of the Reformers was a dismemberment of the Empire—while his advisers took very good care to barb the weapon and render truth subservient to fiction. The Colonial Secretary being thus misled by *ex-parte* statements, every attempt at reform was met by a rebuff at head quarters. To use a simile, the fire that set the pot boiling was quenched, or checked, by the overflow. The Liberals might blaze away, as they did, session after session, but their fuel (as regarded present advantage) was expended in vain. Men of less nerve must have quailed, succumbed altogether, with such formidable odds against them. While this struggle was going on between the leaders in the House, the country was heaving with excitement. Brother arrayed against brother—father against son—some of the worst political enemies that men had were "those of their own household." But after all, may it not be questioned, in the way of argument, whether it is not better for a people to think and talk earnestly, in matters political, than to lie dormant when the fox is about and the poultry yard in danger?

Some of the political grievances complained of by the Novascotians, may be mentioned, as illustrative of the system of government then common to all the Provinces alike.

The Legislature consisted of but two branches, the Legislative and Executive Councils being contained in one, embracing twelve members, all in some way connected, by family ties, or business associations. It was called the "Family Compact," exercising a duality of power, whether in matters social, religious, or political. The Chief Justice and the Lord Bishop were members of the Council—so that the Church of England and the Judiciary were influentially represented in this all powerful branch of the Legislature. The patronage of the Crown, as may well be supposed, was dispensed within very narrow limits. The "upper class," as they were called, of course possessed the highest qualifications for office; if not by virtue of their abilities to discharge the du-

ties, certainly by having pre-eminent claims upon the grounds of nepotism, or the favourable consideration of their friends in power. No one outside of the charmed circle, especially if he had shown a disposition to disturb the settled order of things, stood the remotest chance of preferment, no matter what his claims or abilities might have been. The proceedings of the Council were conducted with closed doors. Measures that had passed the House of Assembly by large majorities, were discussed and perhaps rejected, in secret, the Assembly and the public being left in the dark as to the reasons for coming to such conclusions. The Council paid but little courtesy to the House. Instead of being a co-ordinate branch, harmonising in its proceedings for the public good, it acted as a repellant in measures of essential importance. The people's representatives, in the opinion of the Government, were but very plain men,—so obscure indeed, that on one occasion an honorable Councillor, in speaking of a member of the Assembly, thought proper to style him "*a* Mr. ——." The members of the Church of England throughout the Province, numbered but one-fifth of the population, and it was complained that they were represented at the Council Board by nine out of the twelve members composing that branch, the other three being two Presbyterians and one Catholic. This state of things would naturally create jealousy and distrust among the denominations overlooked.

The Governor could see nothing wrong in the composition of his Council—nothing unjust to three-fourths of the people, that a few influential wealthy families should govern, or give advice, most of the time at variance with the views and wishes of so large a proportion of the population. It was therefore a bold thing for a man to stand forth and declare against the political disabilities that existed. But those bold men were forthcoming. The shell of the egg was cracked by the memorable Libel case of 1835. The *expose* made on that occasion, and the result of it, in regard to the corruption that existed in high places, paved the way for the pursuit of still higher game. Hence, in a great measure, the agitation in the House of Assembly, which commenced so vigorously a few years afterwards for constitutional reform, and which led finally to the overthrow of the old oligarchy in Nova Scotia, and the triumph of Liberal principles in all the Provinces.

During all this time New Brunswick was comparatively free from the distractions of party. The ban of exclusiveness was no less rigid here than it was in the sister Province; but we had a little more of the British Constitutional element in our body politic. The doors of the Council Chamber were open to the public. The Legislature had the semblance of possessing three branches, although the outlines and filling in of two of these branches were precisely of the same party hue. The "old families" ruled in both Councils—and in the one the people had an opportunity of listening to the discussions. The fact of the Assembly being in a position to criticise the conduct of the Council, did not improve matters much, for where there was no accountability, on the part of the Government, there was no responsibility felt. Having been educated to believe that one class of the inhabitants had the right to govern the other, it was impossible in the judgment of the party in power, that loyalty to the Crown could exist among those who did not fully concur in the belief that political virtue existed only in the first and second branches of the Legislature. However fanciful these notions may appear now they were not considered more absurd, twenty years ago, by a large majority of the people, than many other theories that have long since exploded. It is believed that the members of the old party were sincere, however erroneous, in their convictions.

One chief reason why the people of New Brunswick were more quiescent than those of Nova Scotia, may be assumed in the fact that the Press of the sister Province twenty five and thirty years ago, in the hands of able men, was continually busy in educating the country. By that means the Liberal and Conservative sides were kept fully alive and watchful, in regard to the sins of "omission and commission" of the opposing party. On the Liberal side was the *Novascotian*, (in the hands of Mr. Howe)—on the Conservative side was the *Times*, considered to be the organ of the Johnson party. The leaders in Parliament were thus backed up by powerful influences out of doors; and this sympathy, running both ways, encouraged perseverance all round. But after all it may be said, that the men made the Press and the Party—*i. e.* had there been no Howes on the one side or

Johnsons on the other, it may be a question whether Nova Scotia would have been any wider awake than New Brunswick was in 1840. Certainly our Press was not conducted with any desire for working up a party. Nor were there to be found among the front ranks of the people, such men as bent the political bow and threw with such unerring aim the arrows of opposition, as those who held seats in the Assembly of the sister Province. It is not denied that there were able pens connected with the Press of this Province, and able men in the Legislature; but there was not as a rule a concentration of talents, a steady perseverance, for the attainment of a particular object—the correction of great political abuses. There may have been a disposition and no opportunity, which will account for the anomaly. In the absence of a steady purpose then, the country was in want of the needful materials at this early day, out of which to present or give embodiment to a grievance. There being no fixity of principles, no sufficient number of able, disinterested men, to take the lead, the practice for many years among our Representatives was but a nibbling at Constitutional questions, and this too, as will appear hereafter, long after Responsible Government was established in Nova Scotia and Canada. Our House of Assembly was but the reflex of the old party—completely beneath its control in all matters affecting individual rather than public interests. It was nearly as impossible to gather roses from thorns, as to extract liberal ideas from those to whom the people had confided Conservative trusts. There were but few men bold enough to don the reform armour, and whet their swords for an encounter with the foe; and what were these among a party so numerous and interested in maintaining the *statu quo*, consequently the favour of the party who had a monopoly of all the patronage. The attempts at reform therefore were only spasmodic, and for a long time seldom resulted in any thing but failures.

The contrast between the political *status* of the people of Nova Scotia and that of this Province, owing to the circumstances mentioned, will at once manifest itself when it is further explained, that while on the one hand in the Assembly of Nova Scotia the reform leaders were always backed up on great Constitutional questions, by a large majority of

members,—on the other hand, in New Brunswick, whenever any attempt was made to divide the House upon similar questions, it was seldom that a dozen supporters could be found. While the Governor of Nova Scotia was in continual antagonism with the Assembly because he thought they were pushing matters too far, the Governor of New Brunswick was at issue with his Assembly because they would not push matters far enough—that is in a Responsible Government direction. (This will be made more clear when the administration of Sir William Colebrooke comes to be considered.) Had the administrations of the two Governments been differently allotted—had Sir Colin Campbell, or Lord Falkland, been sent to this Province, and Sir John Harvey (at an earlier day) and Sir William Colebrooke been appointed to Nova Scotia, each, in his turn, would have been surrounded by the influences and associations for which nature best fitted him. It is not likely that Sir William Colebrooke would have opposed the popular current then running so strongly in the Nova Scotia Assembly. Nor on the other hand, would Sir Colin Campbell have tried (as Sir Wm. Colebrooke frequently did) to convince the Assembly of this Province that their Conservative practices were altogether wrong. It was not the right men in the right places in this instance. In corroboration of the proposition just laid down, the reader's attention is directed to the action in 1839 of Sir John Harvey, then Governor of this Province, who, on receipt of an important public document, concerning the tenure of office, from the Colonial Secretary, called at the time "the Russel Purge," at once had it published in the Royal Gazette. [A reference to which will be seen in the APPENDIX.]

This document was intended by the Colonial Secretary for simultaneous publication in all the Provinces, as a rule for the guidance of office-holders in each. It was the first application of the wedge that was ultimately to split up the old system of Government; but in this Province it met with little sympathy and no support in the Legislature. It therefore remained a dead letter for some years. In Nova Scotia Sir Colin Campbell refused to publish the Despatch. He was completely beneath the influence of his *interested* advisers—interested to stave off a question that threatened to overturn

what they conceived to be their rights and privileges. The Reformers in the Assembly complained that the Despatch was not published in Nova Scotia as well as in New Brunswick. While the liberal spirit of Sir John Harvey was praised, the obstructive course of Sir Colin Campbell was censured. Back-stairs influence was suspected. It was surmised that Sir Colin by the advice of his Council, had addressed the Colonial Secretary for "further instructions," before committing himself. Be this as it may, it was not until after his recall that the edict first saw the light of day in Nova Scotia. Here then we were in advance of our neighbours, so far as words went; but it will be seen in time that they distanced this Province by some years, in obtaining their political fruit fully ripened.

The discontented state of the North American Provinces at this time is thus summarised in Lord Durham's Report:—

"It is but too evident that Lower Canada, or the two "Canadas, have not alone exhibited repeated conflicts between "the Executive and the popular branches of the Legislature. "The Representative body of Upper Canada was, before the "late election, hostile to the policy of the government; the "most serious discontents have only recently been calmed in "Prince Edward Island and New Brunswick; the government "is still, I believe, in a minority in the Lower House in "Nova Scotia; and the dissensions of Newfoundland are "hardly less violent than those of the Canadas. It may fairly "be said, that the natural state of government in all these "Colonies is that of collision between the Executive and the "Representative body. In all of them the administration of "public affairs is habitually confided to those who do not "coöperate harmoniously with the popular branch of the "Legislature; and the government is constantly proposing "measures which the majority of the Assembly reject, and "refusing its assent to Bills which that body has passed."

The remedy proposed by the Colonial Reformers for all the ills of which they complained, was only to be had, they said, in a strict responsibility being infused into all the departments of Government. They held that the Governor should be responsible to the Colonial Office—his Advisers to the House of Assembly—and they in turn to the people. That the Legis-

ture should have the privilege of dealing with all questions purely local, irrespective of the Lieutenant Governor, or the Colonial Office; but matters strictly Imperial, to be avoided. That the members of the Government should hold seats in either branch of the Legislature—that the heads of departments should be members of the Government; and the relinquishment of their positions dependent upon their ability to secure a majority of supporters in the House. That the Government, supposed to have every means of information, should originate the principal measures of a Session, such as were calculated to develop the resources of the country, and stand or fall by them. Finally, that the Government should be carried on "in accordance with the well understood wishes of the people."

These were the primary features in the great Constitutional Charter asked for by the Reformers. They contended that no Englishman coming to settle in the Colonies, should be obliged to part with any of his constitutional rights; moreover, they failed to see the justice of a portion of Her Majesty's subjects living in one section of the Empire, not being in possession of equal privileges with those living in another section—why a Londoner on the banks of the Thames should be less fettered than a Canadian on the banks of the Saint Lawrence—each of equal intelligence, and fit to take part in the Government of the country. In support of the argument it was urged that no one class in a Colony had the right to assume the functions of Government, hold all offices of emolument, levy taxes and distribute the revenues, privileges which their immense influence in or upon the Legislature gave them, and which, under the existing system, could not be disturbed.

It was also argued in favour of Responsible Government, that it would put an end to the Despatch system; and that the mission of delegates every year, groaning with complaints to the Colonial Office, would be altogether obviated. All back-stairs influence, in relation to local matters, would also cease at the fountain head—the political stream in consequence would be pure and limpid; and only the party in the ascendant in the Colony would be the direct channel. In August, 1837, an Address sent "from the Reformers of the

City of Toronto to their fellow Reformers in Upper Canada," thus set forth the disadvantages their party laboured under in England—" Those of our fellow subjects who go to Eng- " land to represent our deplorable condition are denied a " hearing, while authors and promoters of our wrongs are " cordially and graciously received, and enlisted in the cause " of our further wrongs and misgovernment."

In defence of the old system, it was denied that any just claims upon the patronage, had ever been overlooked, no matter from what class they emanated—that equal justice to all had been meted out in the distribution—that the Government was conducted for the benefit of the many and not the advantage of the few—that if the members of Government did not hold seats in the Legislature, they possessed as good opportunities, nevertheless, of understanding the requirements of the country, and were equally zealous to meet them —that the English system of Government was a plant that could not take root in a Colonial soil—it was incompatible for a dependency to govern itself and at the same time give allegiance to a distant power. There must necessarily be collisions, and these in time would lead to revolution and perhaps separation from the Parent Government.

Again, it was urged that a change of system would not be of any salutary advantage to the country. It would be opening the doors of the Government to demagogues—to political aspirants of questionable stamina, whose chief recommendation would be the largest number of votes they could count at the polls, no matter by what means obtained. The Government of the country would thus, in time, fall into the hands of men incapable of supporting its dignity, or conducting the public affairs in a safe and judicious manner. But in justice it must be said, that there were those among the Conservatives who took a more liberal view of things, who certainly were not led into such fearful vaticinations as to the future. These had the good sense to make a virtue of necessity—the forecast to know that a change in the old system was a question of only a very few years. If they had any doubt it was that the too rapid reform movement was calculated to retard the early fruition of the Reformer's hopes. It was too much to expect to overturn in a day a system that had been for

nearly a century maturing, within and around which were entertwined vast influences and prejudices. The idea with them was like that in regard to the human constitution, the too rapid development of which, being exhaustive of its vital energies. The growth, to be vigorous, must be slow. Nor were they wrong in their conjectures if they be applied to Canada; for, as has already been seen, the ultra reformers of that country not only went in advance of the times, but overshot themselves,—their excessive patriotism having led to their just expatriation—from the errors and effects of which it took them many years to recover.

But then, what had they to say in England upon this exciting topic of Colonial Reform? Like almost every other question at the time, the government and people failed at first to understand the real meaning of Responsible Government in a Colony. "Lord John Russell (says Lindsay) con-
"tended that the demand for an Executive Council in Canada,
"similar to the Cabinet which existed in Great Britain, set
"up a claim for what was incompatible with the relations
"which ought to exist between the Colony and the Mother
"Country." "These relations" says Lord John "required
"that His Majesty should be represented in the Colony, not
"by Ministers, but by a Governor sent out by the King,
"and responsible to the Parliament of Great Britain." A Colonial Ministry, he further argued, would impose on England all the inconveniences and none of the advantages of Colonies. (What follows will shew how sadly his Lordship misunderstood the real question at issue.) "If Responsible
"Government (says he) were adopted and a British subject
"wronged on the banks of the Saint Lawrence, His Majesty
"would have less right to interfere than if the injury had
"been committed on the banks of the Danube, or the Bos-
"phorus." As the fallacy of these ideas has long since been discovered, an imaginary circumstance inapplicable to any case (coming within the jurisdiction of a local government) that could possibly arise, since Responsible Government has been in existence, there is no occasion now to combat the objections thus taken. It was after the enunciation of these views, after the principles contended for were granted, that the above hypothesis, or supposed case, was practically put to the

test,—that was when Deputy Sheriff M'Leod (the Canadian) was seized by the Americans and tried on a charge of having at the time of the rebellion, set fire to the Steamer Caroline and driven her over the Falls. The English Government on that occasion exercised its Imperial authority. It was purely a National question—not as between the local Governments of Canada and the United States, but as between the Governments of England and the United States—a question out of which an embroglio seemed imminent—if not a great war. We all understand these things now in the Colonies—our privileges in this respect are as well defined as if they were written and read daily. Nor is there a single instance of an attempt having been made by any local Government to overstep those privileges, or mix itself up in affairs with which Colonists have nothing to do. If such an interference at any time should be attempted, a circumstance not to be apprehended, the English Government have the power in their own hands and know how to exercise it.

It may be added here that in less than three years after the Colonial Secretary had published the difficulties that presented themselves to his mind in the application of the Responsible principle to a Colony, he did not, on receiving more light, hesitate to reverse his judgment. It is also due to Lord John (now Earl) Russell to say that during his administration of the office of Secretary of State for the Colonies, the Reformers in British America received countenance, if not encouragement, while the justice of their demands was not denied. It was under his administration too, that Earl Durham's famous Report came into the world —a Report that unfolded the perturbed state of Colonial politics for several antecedent generations—and threw such a flood of light upon the great questions that divided parties and agitated the public mind, to the extent of rebellious action, that British Statesmen (of whatever shade of politics) could no longer close their eyes to the relations that existed between the Mother Country and her trans-Atlantic possessions, and to the necessity there was for more attention being directed to Colonial affairs, with a view to a right understanding of the various questions that kept them for half a century in a continual broil.

The old questions which formerly divided parties, have long since been shut out from debate. The Constitution is now resolved into, what may be called, a settled polity. The bickerings and animosities which formerly distracted the Province, in the agitation for, and opposition to, reform, are now all but forgotten and forgiven on both sides. It is doubtful if those who formerly resisted the introduction of the new, would willingly go back to the old, system of Government. The experience of a dozen years and upwards, has taught all alike—that, although Responsible Government has not yet reached that standard of excellence originally claimed for it by its advocates, it, nevertheless, gives promise of bearing better fruit, with the increasing intelligence and independence of the people. The best Government in the world is susceptible of improvement; and it would be unreasonable to suppose that what is called Responsible Government in a Colony, could be free from blemish. The dissolution of a Ministry which necessitates a change in the heads of departments, is, no doubt, unproductive of all the advantage which the public interests require. Perhaps by the time a Minister becomes acquainted with the duties of his office, and is working the machinery well, he is called upon, by a party revolution, to give place to another, who, in turn, is obliged to undergo the same tuition, the same routine of duties, in order to become "master of the situation." But, then, the question is, whether is it better to have these departments managed in accordance with the old close standard system, which virtually excluded the people from obtaining any insight into a pubiic department—and only acknowledged merit for preferment in those of a particular class; or, with all its faults, the new system, which enjoins a strict accountability to the people; thus affording the means of correction in case of arrogance, or an insufficient knowledge of his business on the part of an official? Like trial by Jury, which does not always insure impartial justice, it is, nevertheless, a safe-guard against despotism. If the people oppress themselves, or fail to do themselves justice, they have only themselves to blame. Principles being thus established, old party lines are rubbed out. There is but one Member in our House of Assembly to-day, who held a seat in 1842. Since

then, new combinations and new parties have been formed over and over again. The old Liberal and Conservative elements have frequently blended and become as it were homogeneous. So that now it would be difficult to discover who are really the representatives in the House of the class interests which in 1842 were avowed by the Liberals on the one side, and by the Conservatives on the other. It is believed, however, that all parties, by whatever nomenclature designated, are equally zealous for the country's welfare; and that where there is a divergement upon vital questions, it is the result of conscientious conviction. There is no longer cause for that deep seated fervour which once excited the passions of Legislators. The respective positions of attackers and defenders are at present by no means analagous. The holders of office in 1842 considered it due to their families, and to the best interests of the country, that they should stoutly oppose those who sought to intrench upon what they conceived to be their inalienable rights. At the present day the field is clear and open to all parties alike, for advancement to office and power. It is the object, therefore, with Members of the House to stand well with their constituents — so that all alike are emulous to do what is right, no matter on which side they view a question, or to what party they belong.

CHAPTER I.

Depressed state of Business in 1842—*Sir William Colebrooke—Imperial Timber Duties—The loose manner of conducting the Public Business—The "Initiation of the Money Grants"—Despatch from Lord Stanley—Examples of the working of the old system—Opinions of the Liberals and Conservatives—The General Elections of* 1842—*Sentiments on the Hustings—Large majority returned in opposition to "Responsible Government."*

In 1842 the commercial and political interests of New Brunswick were in a state of great disquietude. His Excellency Sir William Colebrooke, (a thoroughly Constitutional Governor and well-meaning man,) on assuming the reins of government, in 1841, observed with more than the eye of a stranger, what were some of the vital causes of our embarrassments. He found the public purse exhausted, and the public credit low, while the demands upon the exchequer had greatly increased. Nor was there any chance of improvement while the system under which those evils were fostered continued. Trade languished throughout the Province. The industrious became idle and the idle vicious. Large fires had recently destroyed a flourishing part of Saint John, and thousands of poor emigrants were reduced to a state but little short of absolute starvation. The timber trade had declined, while agriculture was sadly neglected. The daily expectation of a change in the Imperial timber duties—

the dread apprehension that in consequence of such action the timber from the Baltic and other Foreign Ports would drive our staples from the English Markets, contributed in no small degree to paralyze the energies of our merchants and ship builders, and render despondent the hopes of our operatives. The prospects of improvement were dim and shadowy. It was a night of Stygean darkness every where. When capitalists had no prospects of a return on the investment of their money, in any branch of trade, where were mechanics to obtain employment, or shopkeepers customers? In the language of a late writer, "there was no stimulus to enterprise, for "there was no field in which it could be exercised. Business, "in all its branches, was all but dead. Old, middle-aged and "young were alike unemployed. There was, then, an excuse "for idleness, for there was nothing to do. Nor was there "any reasonable hope of a change of circumstances." The business of the Legislature was conducted with a loose hand. There was no restriction by the Government upon the expenditures; but every member had access to the public chest, in his own way, for the benefit of his constitutents, without regard to system, calculation, or economy. The Budget was framed not as now by the Provincial Secretary, with the whole Government answerable for it; but in a hap-hazard way, every member, no matter how outré his ideas of trade, having an equal voice in its preparation. There was no Board of Works at this time. The public moneys were expended on roads, bridges, &c., in accordance with the wants or wishes of the inhabitants of particular districts, affording large jobs sometimes to favourites and active supporters of candidates for the Assembly. The most influential members, whether in the House or with their constitutents, generally managed to get the lion's share in the Supply distributions. It was not then, as now, contrary to law for a member to hold a plurality of offices under the Government, (it is unnecessary and would be unpleasant now to cite names of some of those pluralists, since the system is abolished.) In some instances half a dozen offices were held by one member; and such members furnished a strong body-guard to support their employers, and to aid in perpetuating a system so favorable to the money spenders, and oppressive to the tax payers. Hence

the storms and difficulties that arose on every effort being made in the Assembly to reform the system under which these and cognate abuses existed. The surrender of "the Initiation of the Money Grants," (as recommended by Sir Wm. Colebrooke,) was stoutly resisted by the House, as an encroachment upon the liberties of the people! Hon. members knew too well the value of "holding the purse strings" in their own hands, and how their interests were best subserved, to surrender without a struggle, privileges which gave them such immense advantages.

In February, the House went into a discussion of the principle of surrendering the Initiation of the Money Grants into the hands of the Government, in conformity with the wishes expressed in a Despatch received from Lord Stanley, (Colonial Secretary,) during the recess, dated 30th November, 1841, called forth by the embarrassed state of our Provincial finances, and in order that we might have a better chance of borrowing money in England to relieve our necessities, than we had under a system that provided no checks nor hindrances upon the expenditures. This debate lasted three days. A resolution approving of the measure, introduced by Mr. L. A. Wilmot, was lost by a majority of eighteen to eleven; and the following, introduced by Mr. J. R. Partelow, was carried:—

Whereas the present mode of appropriation, tested by an experience of more than fifty years, has not only given satisfaction to the People of this Province, but repeatedly attracted the deserved approbation of the Colonial Ministers, as securing its constitutional position to every Branch of the Legislature; therefore

Resolved, As the opinion of this Committee, that it is not expedient to make any alteration in the same.

And upon the question for adopting the same, the Committee divided as follows:—

YEAS—The Hon. Mr. Weldon, Messrs. Allen, Palmer, Barbarie, Wilson, M'Almon, Stewart, Hanington, J. R. Partelow, End, Taylor, Connell, Beardsley, Freeze, M'Leod, Brown, Gilbert, and Hayward—18.

NAYS—The Hon. Mr. Speaker, Hon. Mr. Johnston, Messrs. Jordan, L. A. Wilmot, Woodward, Fisher, J. M. Wilmot, Rankin, Boyd, Hill, Street, Owen—12.

This put an end to the "Initiation" question, while the train of evils incidental to the existing state of things, was to be

perpetuated for a time longer. As an illustration of this system, a quotation is here made from a speech delivered by Mr. Gilbert, of Queen's County, (as reported in the *Sentinel.*) Mr. G. it seems, chafing under certain insinuations that had been thrown out, at which he and others who had always been great supporters of "the good old ways," took fire:—

"After my then colleague and myself (at a previous Session) had made a distribution of the money appropriated for Queen's County, and that had gone through the Committee of Supply, a Petition for a small sum of £20 came to my hand, when I had nothing to give. My colleague was of the opinion with myself, that I had better move for a special grant in supply, rather than the poor settlers should go without a road to the front settlement, and thence to the River, the sea-port, the market, and the town. But as I had never obtained one shilling of the public money, for any purpose whatever, I considered it necessary first to ascertain whether any support could be obtained. I penned a Resolution for that purpose, which I showed to the gentleman from York, stated the case to him, and asked his support—which he readily granted, remarking at the same time that he had one of a similar nature, that he wished me to support in my turn; to which I replied I should have much pleasure in doing it, if of a similar nature. I also showed the Resolution to several other gentlemen, who all readily complied. Thus I considered it necessary to feel my way before I offered it. The Resolution thus moved, was carried unanimously without a division. A short time after, another gentleman moved a Resolution for a grant of eighty or a hundred pounds, for macadamising a road from the front street past Mr. Wilmot's house, in the centre of the town of Fredericton. This, as he has truely stated, I pitched right into, like a battering ram; he then came round to me and said—why, the devil, that is my special grant, and you must support it, but now you are opposing it. To which I replied my grant was for a road through a new settlement, to enable some fifteen or twenty back settlers to get to the river, where no road was before—and only for £20; but your grant is for £100, to macadamise a turnpike road in the very heart and centre of the town of Fredericton; so that I could not be taxed with a breach of faith, as the two Resolutions were not at all alike, either in the sum asked for, or yet the purpose for which they were to be applied; and therefore it was, I could not support his.

"These are the facts of the case, that the gentleman has attempted to shew up, by arraying it in argument against the old system heretofore practised, of granting money for the

last fifty years, condemning it as bad and endeavoring to shew the necessity of the House yielding this inherent right to the Executive, merely because he had promised to support a grant upon condition that I would go for one of a similar nature for him. But as his turned out to be one of a very different kind, I could not justify it; but on the contrary opposed it."

A quotation from a letter of correspondence addressed to the writer, under date Fredericton, April 2nd, 1842, will afford some further insight into the state of matters existing at this time—

"The conflicting statements of members, the Chairman of the Committee of Public Accounts, and the declarations of Legislative Councillors, all shew that there has been nothing certain or correct in the varnished statements which have been laid before the public. Every member has a different sum fixed upon, as the real debt of the Province; and there has been no labour spared to conceal the actual state of the country from its inhabitants. One Hon. gentleman says, it is only £30,000; another £50,000; a third £80,000; and one of the Executive Councillors, during debate, stated the sum to be at least £100,000. Those who insist on the smaller amount, take into the account sums that are due, but cannot be collected; and, like many other silly swaggerers, in reckoning upon their future, embrace all they have ever lost. But from all I have been able to collect from the Journals and Debates, the real debt of New Brunswick is at least £100,000!! And this grand discovery was never made known to the people, until the last shilling was gone from the Treasury, and the Banks refused to pay the cash for warrants upon it. Now what effect has this discovery had upon the conduct of the majority of the members of the House of Assembly? Why, it appears to have driven them to desperation; for they have within a few days actually granted away £90,000 more, without providing any certain means of meeting one half of the amount. Can this be called madness, folly, or stupidity? Is it not a reckless defiance of integrity, justice, and humanity? Nay, our language supplies no term sufficiently severe for these shameless and disgraceful proceedings. The very persons who in their debates would fain make the world believe that they were chary how they entailed a debt upon the children of their constituents, and talked with so much feeling and sympathy for the Province, have in a moment committed the very act they so loudly and eloquently condemned."

Allowance must be made for the strong language here employed in consequence of the excited state of the times, and the party bias of the writer. Although these charges

may be exaggerated, and some of them successfully met, still there is no denying the fact that the loose system of the day was productive of great political demoralization. The people now have a strong check upon all such reckless propensities. It is the Government who are held responsible for any misappropriations, or malpractices in the public departments. Seldom or never at the present day are the vials of newspaper wrath poured out upon the House of Assembly—other shoulders have to carry the burden and bear the lash. The people have something to take hold of, a corporeal existence in nine individuals, of palpable form and substance. In former times our complaints were addressed as it were to mere shadows—the responsibility for bad government was divided between nearly forty men; and as every one of them owed political allegiance only to those who sent him to the Legislature, and he in turn rendered signal service to the special interests of his constituents in monetary matters, there was no redress or improvement to be counted upon. If the people themselves failed to see the evils complained of and to provide the antidote, which they had the power of doing at the polls, it could not be expected that their representatives should possess the scruples which a more conscientious course in regard to the public interests demanded.

There was but one remedy, and that appeared to be distant. So long as so much apathy prevailed in the country, and wily politicians exercised a powerful influence over the public mind, adversely to the general interests, the application of a remedy would necessarily have to be the work of time. Responsible Government was now fast gaining ground in Nova Scotia—this so far was encouraging to those who advocated it here; the wheel of reform could not revolve rapidly on one side of the Bay, without its rotary motion producing some effect on the other. There was a connecting link, an interchange of political ideas, an affinity of feeling, among the Reformers living in both Provinces. Besides, in 1842, the Press of New Brunswick began to show some signs of political vitality, an earnestness for the introduction of "Responsible Government;" and if it required more than half a dozen years for the establishment of what was contended for, still there was a large number of intelligent people (Conservatives

as well as Liberals) who saw that a change in the old system was inevitable. The line was now fairly drawn. The Shiboleth of party on the Liberal side was "Responsible Government" —on the Conservative side "the maintenance of British Institutions." On the Responsible side, the members were comparatively few and undetermined. On the Conservative, or "British" side, they probably stood as three to one—embracing nearly all the official and family influence in the Province—to say nothing of the education and talents which it was but reasonable to suppose, were in a large measure inseparable from their social position, thus giving them advantages unknown to the unpretending plodders after "fair play" and "equal rights."

This was the condition of things at the time of the General Elections which took place in December, 1842.* Saint John, being the most influential and populous County in the Province, the names of the Candidates for the City and County are here given, in order that some of the leading opinions expressed on the hustings (especially with regard to Responsible Government) may be quoted as indicative of the state of political feelings that then prevailed, whether on the part of the candidates, or of the people addressed.

FOR THE CITY.

Isaac Woodward, nominated by D. J. Marshall, seconded by J. Owens.

R. L. Hazen, nominated by Charles Ward, seconded by Mr. Raymond.

Lewis Burns, nominated by Henry Porter, seconded by Alexander M'Avity.

W. H. Street, nominated by J. V. Thurgar, seconded by J. Duncan.

FOR THE COUNTY.

Hon. Charles Simonds, nominated by Charles Carman, seconded by John Kerr.

John R. Partelow, nominated by John Kerr, seconded by Stephen K. Foster.

Stephen Humbert, nominated by Stephen K. Foster, seconded by Asa Blakslee.

* At that time, instead of the election for any one place being got through with, as at present, in one day, it occupied seven days to return a candidate; and while it lasted it was one continual scene of debauchery, disturbance, and strife.

Wm. J. Ritchie, nominated by Stephen Wiggins, seconded by John Wishart.

Robert Payne, nominated by Griffith Morrison, seconded by George Ball.

George A. Lockhart, nominated by John Owens, seconded by D. J. M'Laughlin.

John Jordan, nominated by George Ball, seconded by H. Chubb.

Barzillia Ansley, nominated by Asa Blakslee, seconded by C. H. Jouett.

Isaac Bedell, nominated by James Kirk, seconded by John Duncan.

Thomas G. Hatheway, nominated by D. J. M'Laughlin, seconded by James Stockford.

Mr. PARTELOW was opposed to any change in the Constitution.* "He went into the House under a Constitution of fifty years standing, and he was determined to leave it as he found it, unimpaired." * * * He "disapproved of the Initiation of the Money Votes being placed in the hands of the Executive. He thought such a system would be wrong and pernicious in the extreme."

Mr. HUMBERT said he "was entirely averse to the new principles; and what are these principles?—*Responsible Government!* Why, he would ask, should the old system be altered, it has never given cause for complaint, it has always worked well, then why should the people complain? He was not in favour of any innovations upon British Colonial Government. Very few people understood what Responsible Government meant; he hardly understood it himself. It was, in his opinion, just introducing another branch into our Government. He was not in favour of the Government initiating the money votes. He was always sensitive about the rights of the House—to them ought the power of originating the supplies belong, and to none other—and if returned he would oppose the measure."

Mr. RITCHIE "would pledge himself to support the Initiation of the Money Votes by the Executive, in order that the means of extravagance should be put an end to. He would also go for a loan to pay off the Provincial debt." * * * "Some talk of Responsible Government! He was for a

* These Speeches are reported at length in the Morning News, Dec. 28, 1842.

Government the people would confide in; a Government that would do justice, and be honorable to all parties, without respect to sect or religion; one that would recognize every true and meritorious British subject, worthy the favours the Constitution allows."

Mr. PAYNE was "in favour of the Initiation of the Money Grants being placed in the hands of the Executive, and to borrow money to pay off the Provincial debt."

Mr. ANSLEY "was averse to Responsible Government. He looked upon it as Responsible Nonsense. He was in favour of retrenchment in our Legislative expenses."

Mr. BEDELL [late St. John County Treasurer] "considered that the Province was outrageously in debt. As to Responsible Government he did not understand it."

Mr. HATHEWAY said "much is said of Responsible Government. Who has seen it? or felt it? Nobody! It is not in existence. That the people are responsible, we find to our sorrow; but our Legislators are not. If they were we would say to them bring back the £142,000 we had in the chest five years ago. There is no way to render our Legislators responsible, but by turning out the extravagant and putting in the frugal."

Mr. HAZEN.—"In reference to Responsible Government he could say very little. He never met with any one who could explain to him satisfactorily what Responsible Government meant. He would not consent to making any important changes in the Government until he understood what they were to be."

Mr. BURNS "did not blame old members; but there was something wrong under Responsible Government. *The money was squandered under it!* The Government must be made what it ought to be, before any improvement could take place. He was wedded to the British Government, and opposed to any thing like exclusiveness."

Mr. (W. H.) STREET "was certainly in favour of the Initiation of the Money Grants being removed from the House to the Executive Council, whether it resulted in a loan to the Province or not."*

* The leading opinions expressed by candidates in other parts of the Province, as well as could be ascertained at the time, were equally chary of a self-committal to principles so little understood by the country at large.

As the Hon. CHARLES SIMONDS (leader of the Government) went more at length into the bad effects of the system, (which Responsible Government was intended to cure,) it may not be out of place here, to give the honorable gentleman a little more space. He said that "the errors that have crept into the Government of the Province are numerous, and highly dangerous to its welfare, unless some steps be taken to put an end to the mischief which the present rotten system affords. Five years ago he found the Province in a highly flourishing condition—the Treasury full, and business of all kinds in successful operation. This was a view of the past. The present affords a totally different scene. The Province now is entirely prostrate—deeply in debt, and no means at command to extricate it out of its difficulties. The revenue, during the last five years, affords an aggregate of £467,000; and the debt was now £133,000. The wants of Government to carry on its operations, independent of sums for roads and bridges, and agricultural purposes, were £68,000. It would then be seen what immense sums of money had been squandered, after the necessary expenses of Government had been paid. It was not the fault of one individual, or of two individuals, or any number of individuals—but the fault of the *abominable system* that favoured so much prodigality. (Mr. S. related several instances to point out the evils resulting from the system in use.) The members (he said) talk to their constituents about the good service they render them in obtaining grants for their Counties; this, of course, satisfies the people, as they imagine their section of country is benefited in consequence. But they never stop to inquire whether if they obtain a few thousands, the members of the other Counties are not likely to be getting the same for their constituents? This is never dreamt of; so long as every thing appears right in one corner, the other corners of the Province may grab as much as they please. A few years ago, during the disturbances on the frontier, it was deemed advisable to open a road, leading to the disputed territory. An immense sum of money was granted to the members for the County of York, for that purpose. Then commenced a scene of pulling and hauling. All the members of the different Counties thought they ought to have a slice off the loaf (the

Treasury) for *their* respective districts. Nor are they satisfied with obtaining road grants, but special grants must likewise be had to serve particular purposes. It was help one another as much as possible; the one who got the most money for his County was the cleverest man. A Report was brought into the House one Session, to the effect that £4,500 be raised to build an Aboideau over Tanta Bar—one member objected to it, but he was soon silenced, as the objector was likewise in quest of money for the Woodstock road, and if he opposed the vote for the Aboideau, he would stand but a sorry chance in getting any thing. This was the system throughout, 'help me and I'll help you.' * * Unless some alteration be made in the present corrupt system of squandering away the public money, direct taxation must inevitably follow. The check he would propose, would be contained in Constitutional principles, similar to those of Great Britain; these were the principles he wanted to see carried out in New Brunswick. It was not politic in the Parliament of England, for the Commons to have their own way; neither should it be deemed so in New Brunswick. There is no check whatever in the expenditure of the public moneys. The very same system was observed in England, previous to 1706, and precisely the same consequences flowed from it. The people bestirred themselves in the matter, and succeeded in overturning it. Now, the initiation of all moneys originate with the Ministry, and every petition sent in to the Government for grants, must be accompanied by satisfactory vouchers, ere it will be attended to. The estimates are made out by the Ministry and sent down to the House of Commons, and then comes the Constitutional check. If the Commons think the sums proposed for the various services, too extravagant, they curtail to suit their own views, the Ministry of course agree to satisfy the popular side. In New Brunswick there is no check whatever; the Council is no check upon the Members; it is an erroneous opinion. Each branch of the Legislature must be a check upon the other; such is not the case at present in this Province."

The result of the Elections for Saint John, City and County, will shew with what little favour the principles at stake were

received by the constituency, and that Responsible Government in New Brunswick was destined to remain some years longer in abeyance—and both parties would have to do an immense deal of talking, ere the principles obtained a foothold.

Returned—For the City—Robert L. Hazen, 1,287; Lewis Burns, 716; W. H. Street, 715; Isaac Woodward, 613. The two former gentlemen were declared elected; but on a scrutiny afterwards, towards the close of the Session, Mr. Burns' seat was given to Mr. Street.

For the County.—J. R. Partelow, (the most influential opponent of Responsible Government and Reform), 927; Robt. Payne, 880; John Jordan, 738; Hon. Charles Simonds, (the most influential denouncer of the anti-British practices of the Legislature), 736; W. J. Ritchie, (a young Liberal of great determination, just beginning to show fire), 510; Geo. A. Lockhart, 371; B. Ansley, 286. The four first were declared elected.

York County.—As the leading advocates of Responsible Government (Messrs. Wilmot and Fisher) resided in York, a statement of the number of votes polled for the Reform candidates, compared with the number polled for their opponents, will also be of interest to the reader. John Allen, 714; James Taylor, 739—(both anti-Reformers); L. A. Wilmot, 662; Charles Fisher, 536—(both strong Reformers). The names of the unsuccessful candidates are not necessary here.

The returns throughout the Province exhibited a large majority in opposition to Responsible Government, as will be seen in future Chapters.

(1840.)

APPENDIX TO CHAPTER I.

CIRCULAR MEMORANDUM,

Addressed by the Lieutenant Governor to the Heads of the Civil Departments, and Members of the Executive Council of New Brunswick.

GENTLEMEN,—In communicating to you the copy of a dispatch which I have recently received from Her Majesty's principal Secretary of State for the Colonies, I avail myself of the occasion to state to you the views which I take of the very important change which, by this dispatch, is made in the tenure of your respective offices, which, instead of being held as heretofore, either "for life," or during "good behaviour," are henceforward made entirely dependent upon the will of the Sovereign, or that of Her Majesty's representative. The principal objects of the regulations now introduced appear to me to be: 1st. While enlarging the powers of the administrator of the government, by leaving him free to choose his Councillors and office-bearers, to at the same time impose upon him a corresponding degree of increased responsibility, as well towards the Queen's government as towards the inhabitants of the Province over which he is appointed to preside, for the satisfactory administration of its affairs; and 2nd, and, above all, it has for its object to ensure for the Governor, as far as may be possible, the most cordial and sincere support, assistance, and co-operation, in carrying out his views and policy, and those of Her Majesty's government, on the part of every individual member of the Provincial government, whose tenure of office is now made dependent upon him, by identifying their interests (as far at least as that tenure is concerned) with that line of conduct.

Entertaining these views of the subject, I hail this dispatch as conferring a new, and, in my judgment, an improved Constitution upon these Colonies.

Gentlemen, I have no intention or desire to require from you any thing in the shape of a renewed pledge or engagement other than those to which you are already bound by your respective oaths of office; but having frankly explained to you my construction of this dispatch, I trust that it may only be necessary for me to signify to those who may do me the honor to retain their appointments and seats, that I must regard their doing so as a tacit intimation of their desire and intention to afford me their zealous aid and co-operation in conducting the affairs of the Provincial government; and that if they should at any time hereafter feel themselves called upon to avow sentiments adverse to the policy which that government may pursue, or otherwise to oppose or obstruct the course of the proceeding which it may

adopt, they will at the same time fully recognize the condition which such a dissent from the views of the Colonial government, so carried out, must necessarily involve.

* * * * * * *

These, Gentlemen, are the only observations which I have deemed it necessary to make, in communicating to you a dispatch, of which a copy, as well as of this memorandum, will be furnished to each of you by the Provincial Secretary.

J. HARVEY, *Lieut. Governor.*

Government House, Fredericton, Dec. 21, 1839.

☞ The above is referred to in the Introduction—page 20.

Fire in Saint John !

Between 11 and 12 o'clock last night, the appalling cry of Fire was again resounded through our Streets, which was soon found to proceed from Barns in the rear of the dwelling houses of the Messrs. Kinnear and Wm. Hutchinson, West side of Germain Street, between Queen and St. James Streets; there being several barns in a cluster, and two at least of them being on fire before discovered, it is difficult to know precisely in which it originated. People having generally retired to rest, the night being cold, and water scarce, the fire speedily communicated to the row of dwelling houses in front, and in about two hours and a half five large and valuable dwelling houses and a number of barns and out buildings, together with large quantities of fuel, &c. were burnt to the ground. The following dwelling houses were destroyed:

Two story house owned and occupied by the Hon. Wm. B. Kinnear.

Two story house owned and occupied by Mr. Wm. Hutchinson.

Two story house owned and occupied by Mrs. Kelly.

Two story house owned by Mr. Thomas Raymond, and occupied by Captain Hare.

Three story house owned by Mr. Jos. Sulis, and occupied by himself, and Mrs. Majoribanks, Mr. Wm. Seely, and Mr. Charles Robinson. Carpenters' Shop in the rear also burnt.

Appalling Calamity !

The Lexington left New York for Stonington on Monday, at 3 o'clock, January, 1840, having, it is believed, about one hundred and fifty passengers. A large quantity of cotton was placed upon her decks. At 7 o'clock, when about two miles from Eaton's Neck, the cotton took fire near the smoke pipe.

The boat was headed for the shore as soon as the efforts to extinguish the fire proved unsuccessful. She was provided with three boats, yet such was the panic that took possession of all minds, that they were hoisted while the boat was still under headway and immediately swamped.

The engine a few minutes after gave way, leaving her entirely unmanageable. The scene which then ensued, is described as most appalling. Nearly every soul perished.

Fire and Police Departments.

Great complaints made in the Newspapers in regard to the inefficiency of the Saint John Fire Department—also of the Police Department.

Prohibitory Liquor Law.

The Fredericton *Sentinel* of February 22, 1840, says—Mr. Woodward introduced a Prohibitory Liquor Law, very stringent in its provisions. Mr. Partelow moved an amendment which led to its defeat.

Lord Glenelg's Picture.

The same paper says the picture of Lord Glenelg has just been placed over the Speaker's Chair, and is a superior work of art.

The Queen's Marriage.

News received in Saint John of the Queen's Marriage, which took place at Saint James' Chapel, on the 10th February, 1840. A grand Ball was given at Government House, Fredericton—most numerously attended. The Lieutenant Governor (Sir John Harvey) made a loyal speech, congratulatory of the *young couple* for having entered the bonds of wedlock, and proposed a toast. A special meeting of the Common Council was held in Saint John, and a Committee appointed to devise upon the best means of celebrating the event, which afterwards reported, and suggested that £250 should be laid out for the purpose of giving the poor a feast on King's and Queen's Squares—which was duly carried into effect. King's Square was then an open plain, without a tree or blade of grass, and no chains enclosing it. On the 23rd May tables were spread over the ground, well loaded with "roast, boiled, and stewed," besides pastry of all kinds. The persons for whom the feast was intended did not fail to do it every justice. The following is the bill of fare, together with a sketch of the affair, copied from the "News":—

35 Hams, 35 rounds Corned Beef, 3 surloins roasted—1250 lbs. Bread, and 120 gallons Ale and Wine, for King's Square alone: a similar quantity for Queen's Square, and lots of good things for Carleton.

The Wedding Cake.—This ephemeral production of pastry art, created only to be destroyed, made its appearance at 12 o'clock, on King's Square, rising piles on piles like the snowy Alps; it was accompanied and decorated with penants, initials, &c.,—and now the work of destruction commenced. A populace grown ravenous by exercise, and unrestrained by fear, rushed like tigers upon their prey, to the tables. Ham, beef, bread, ale, and wine, vanished as if by magic; and if under such circumstances, a little irregularity crept in, who can wonder? Upon the whole the Corporation deserves great credit for their liberality and the people for not having outraged *all* decency.

Temperance Soiree in Saint John.

As the cause of Temperance is now quite an "institution" in the Province, it may interest the young Cadet to know the amount of respect his principles commanded at an earlier day—for this purpose the following extract is made from the News, May 27, 1840:—

The Temperance Soiree in honour of Her Most Gracious Majesty the Queen, took place on Monday evening last. The Hon. Judge Parker presided; and His Excellency Sir John Harvey, honoured the company with his presence. There were also present, Major Brooks of the 69th Regiment, the Provincial A. D. C., Hon. W. H. Robinson, Captain Tryon, and several officers of the 69th. The Chairman had made his opening address, when His Excellency entered. He was saluted by the Band of the 69th Regiment, with 'God save the Queen.' Shortly after His Excellency gratified the

friends of Temperance, with an address, highly approving the object, and complimenting the exertions of members of Temperance Societies. Three cheers were then given for the Queen, and the same for Sir John, which he acknowledged amidst the continued cheers of the company, by a very appropriate address; shortly after which His Excellency retired. The National Anthem was then sung and played; and Tea and Coffee, with plenty of wedding cake, followed. Captain O'Halloran delivered an address on the subject of marriage, recommending strongly to those who have not yet been tyed by Hymen, to delay no longer; but to 'pop the question' at every opportunity. An interlude performed by the Band followed; when the Hon. Neville Parker addressed the meeting on the subject—"Our Laws"—and in the most pleasing manner he played with the subject with so much tact, as to excite the risibles of the audience, at times most convulsively. Rule Britannia, with some additional appropriate words, was sung and played. The Hon. W. B. Kinnear concluded the addresses, by delivering a most excellent one on the British Constitution; showing, by several happy illustrations, its vigor and perfection, and the true liberty and safety afforded to every individual and his property, living under its protecting influence. A desert of fruit followed, with instrumental music; and the company then joined in "Praising God from whom all blessings flow," vocally and instrumentally; also, the two first verses of the 100th Psalm, and the last verse of the evening hymn. A large wedding cake, surmounted by a crown and British Union, which stood in the middle of the room, was now distributed among the company, nearly all of whom carried home a piece of this sweet tribute of love and loyalty. The room was decorated with colours in a very tasty manner; and a neat transparency prepared for the occasion, was placed over the seat appropriated for Sir John Harvey.

Election of City Officers, Saint John.

The election of City Officers took place yesterday morning, (April 8, 1840,) at the respective Wards, and excited a great deal of interest among the inhabitants. The following are the names of the Candidates returned—and also the names of the Wards to which they belong:—

For King's Ward, Henry Porter, Esquire, *Alderman;* Mr. C. M'Lauchlan, *Assistant.*

For Queen's Ward, John Humbert, Esquire, *Alderman;* Mr. R. Ray, *Assistant.*

For Duke's Ward, Thomas Harding, Esquire, *Alderman;* Mr. William Hagerty, *Assistant.*

For Sidney Ward, G. Vanhorne, Esquire, *Alderman;* Mr. Ewen Cameron, *Assistant.*

For Guy's Ward, (Carleton,) R. Salter, Esquire, *Alderman;* Mr. Thomas Coram, *Assistant.*

For Brook's Ward, (Carleton,) G. Bond, Esquire, *Alderman;* Mr. Joseph Beatty, *Assistant.*

Salaries of Saint John Officials in 1840.

John R. Partelow, Esquire, re-appointed Chamberlain of Saint John. Salary about £1200, received in commissions. Hon. William Black appointed Mayor in succession to R. F. Hazen, Esquire. It may be stated here also, that the salaries of the Mayor and Common Clerk were about the same as the Chamberlain's. The "Penny Papers" had not began to get awake yet.

Saint John Theatre, &c.

Mr. Preston advertises his Theatre (1840)—kept in Union Street, next to the "Golden Ball Corner." Here members of the Mechanics' Institute also held their meetings, previous to the erection of the present building. Rev. Mr. Andrews delivers a course of Lectures on *Astronomy*.

The Custom House Building.

Mr. John Walker makes preparations for building his Custom House, by pulling down a brick building, and other houses, standing on the premises, for the space required.

Emigrants.

Eight hundred and seventy five Passengers arrived in Saint John in two days in May. M. H. Perley, Esq. Emigrant Agent.

The Mechanics' Institute.

On the 27th May Sir John Harvey laid the corner stone of the Mechanics' Institute. The celebration upon this occasion was upon a grander scale than was ever known before, and has not been surpassed since. All the Trades were out in procession; and it has been repeatedly declared since that our operatives never looked better, or turned out so numerously, as they did on this occasion. The following extracts will be of interest to the present juvenile members of the Institute:—

As the streets were very dusty the Water Company made an effort to lay it, by opening their fire plugs, but with very little effect. To describe the banners and decorations would be tedious; suffice it to say that every thing was done 'decently and in order;' but we cannot help adding, that the automaton Vulcans plied their hammers with mechanical precision, and very much to the amusement of the public; while the manufacturers of *beaux*, with their newly created Adam and Eve, *cut* a very respectable figure. Previous to the movement, flags of various kinds had been stretched across from the two Hotels, at the head of King Street. In short, every exertion, which the time afforded, was made to get the thing well up—and it was done.

The Band of the 69th, the Portland Band, and M'Intyre with his Pipes, (none of them out) enlivened the scene by various popular airs. Arrived at the site of the projected building, the ceremony of laying the corner stone, came next in order. Upwards of 6,000 persons, at the lowest calculation, were present, which presented quite an animated and imposing spectacle. The stone being laid, His Excellency then, at some length, spoke in laudatory terms of the Institute, its object, and the probable consequences of its influence upon the rising generation; of the prosperity of the City, owing chiefly to the enterprize of our Merchants, and the ability and industry of our Mechanics. The ceremony over, the procession by a retrograde movement, to the tune of "*In the days when we went gipseying*," went down Germain Street and up King Street, to the Saint John Hotel; and where, after a few parting words from His Excellency, the different bodies separated, and returned to their respective places of meeting.

It is with high satisfaction that we say that every thing connected with this public exhibition was well conceived, and well conducted to the very close—no irregularity, no noise; all was as it should be.

The business and pleasures of the day terminated in a grand Ball at the Saint John Hotel; and early yesterday morning, His Excellency re-embarked on board the *New Brunswick*, for Fredericton, under a salute from the Artillery.

(1843.)

CHAPTER II.

Opening of the Session—Names of Members Returned—Election of a Speaker—Governor's Speech—Resolutions introduced by Mr. Fisher—Despatches from the Colonial Secretary—The "Initiation of the Money Grants"—Financial state of the Province—Difficulty between the Governor and the House—Hon. Thomas Baillie and the Crown Land Department—Mr. Brown's Resolutions for preventing Extravagance.

The Legislative Session for 1843 was opened on the 31st January; and the following gentlemen were declared duly elected:—

YORK.
John Allen,
James Taylor,
Lemuel A. Wilmot,
Charles Fisher.

CITY OF SAINT JOHN.
Robert L. Hazen,
Lewis Burns.

COUNTY OF SAINT JOHN.
Charles Simonds,
John R. Partelow,
John Jordan,
Robert Payne.

WESTMORLAND.
Phillip Palmer,
John Smith,
William Hazen Botsford,
Daniel Hanington.

KING'S.
Samuel Freeze,
Sylvester Z. Earle.

QUEEN'S.
John Earle,
Thomas Gilbert.

SUNBURY.
William Scoullar,
Whitehead S. Barker.

CARLETON.
Charles Perley,
Jeremiah M. Connell.

NORTHUMBERLAND.
Alexander Rankin,
John T. Williston.

KENT.
John Wesley Weldon,
David Wark.

CHARLOTTE.
Robert Thompson,
James Boyd.
George Stilman Hill,
James Brown.

GLOUCESTER.
William End,
Joshua Alexandre.

RESTIGOUCHE.
Andrew Barberie,
Peter Stewart.

The first business of the House was to make choice of a Speaker. Mr. Partelow addressed the honorable members at some length. He declared that the period had arrived for testing the principles upon which the House should act; and in opposition to what was called "Responsible Government," he would now throw down the gauntlet, by nominating the Hon. John Wesley Weldon to fill the Chair. This motion was seconded by Mr. End. Mr. Hill (Hon. George of Charlotte) rose and proposed Mr. L. A. Wilmot; and supplemented the motion with a glowing panegyric on the new principles and the gentleman who had done so much in their advocacy. He considered that the country demanded the infusion of a proper responsibility into all the public departments, as an absolute necessity. Mr. Wilmot rose, and in the course of his remarks begged to decline the honor which his friend wished to have conferred upon him.

Mr. Wilmot's refusal to be put in nomination, was endorsed by his friends. He was unwilling to accept Mr. Partelow's gauge of battle, when he knew that it would not be a fair test, for the chances of success were all against him. Considering the composition of the new House his opponent must certainly win. He preferred that the question of Responsible Government, for which he and his coadjutors had been contending, should, at some future day, be taken up, discussed and decided upon its own merits, when the attention of the House and the country would not be distracted by irrelevant matters, or side issues, such as Mr. Partelow now sought to bring in.

Mr. Weldon was thereupon elected Speaker.

In his opening Speech the Lieutenant Governor remarked—"It is unnecessary that I should recapitulate to you the measures which have appeared to me to be called for, to improve, on English principles, the Institutions of the Province, and which have so much engaged the attention of the country; but there is one subject which it is incumbent

on me at this time to recommend to your particular notice; I allude to the timely adoption of such a system of finance, as will be calculated to restore confidence in the integrity of the Province, and retrieve the Public credit."

Here was an earnestness on the part of His Excellency for the infusion of British principles into the Government of the country; and an evidence that in one Colony at least there was a Governor in advance of the people, in the cause of political liberty and progress. This language (in the Speech) was not put into his mouth by his advisers; under the system he was not required to consult with them, unless he thought fit—had he done so, and taken their advice, no such liberal sentiments would have been conveyed to us; for His Excellency, it was well known, was at variance with his Government in matters of needful reform.

On the 3rd February Mr. Fisher introduced a series of resolutions, which, after a short discussion, were passed unanimously by the House. The first declared that a petition should be presented to the Queen, praying for a reduction of the charges on the Province by the Civil List Bill. The second limited the salary of the principal ministerial officers of the Government to £600 per annum. The third declared that no officer should receive any part of his income by fees; but that such fees, when requisite to be paid, should be placed in the Treasury, for the purposes of revenue. The fourth resolution was for the appointment of a Committee to prepare the petition and necessary bill.

In the afternoon of the same day, Mr. Fisher brought forward another resolution, declaring that the Members of the Legislative Council should be possessed of a sufficient freehold qualification to be defined by law. Mr. End remarked, that the House had better let other people alone; and that it was not proper to trouble themselves about the other body. To this an honorable gentleman replied, that if there was any thing to complain of, the fault was with the Legislative Council, who last year, when the Quadrennial Bill was under discussion, were very anxious to fix the qualification of members of the House of Assembly; and he thought it very singular that the same rule should not apply up stairs.

Mr. Fisher wished to fix the qualification at £500, above all

incumbrances, and required any member who should become bankrupt, or public defaulter, or insolvent, to vacate his seat.

On the 7th February, the Hon. Mr. Simonds, by command of His Excellency the Lieutenant Governor, laid before the House, extracts from three Despatches, received from the Colonial Secretary, dated 29th June, 30th June, and 13th August, 1842, which may be thus epitomised. The first intimated that the debts and liabilities at the termination of the previous year, exceeded the means of the Province, by a sum of about £33,000; and that consequently, at that time, the Provincial funds were liable to a charge of £4,100, for interest. The documents before his Lordship, he says, does not state when this excess of expenditure was incurred; or whether any unavoidable exigencies rendered it necessary; but his Lordship enjoins upon the Lieutenant Governor to use every exertion to confine the expenditures of the Province, within the limits of the ways and means afforded by its revenue; and in order that the debt might be liquidated. His Lordship recommends that a vigorous effort be made to discharge all existing liabilities, and to employ the surplus in the most useful public works.

Despatch No. 2 states, that however convenient may have been the practice in submitting every appropriation to the discussion by the Council, yet while it increased the control of that body over the votes of the Assembly, it does not give the Executive that power, which it should, perhaps, of restricting improvident and corrupt grants. His Lordship then refers to the compromise effected by the surrender of the Casual and Territorial Revenue; the check which the members of the two Councils gave the Executive was lost; and no authority remained that could take a broad and comprehensive view of the financial state of the Province; and which would appropriate the expenditure to the revenue, or make the revenue adequate to that expenditure. This state of things, his Lordship considers as having produced much of the present financial embarrassments; and he infers, that if local objects are to be met, not by local taxation, but out of the general funds, an additional reason is afforded why such recommendation should proceed from an Imperial authority.

Despatch No. 3 expresses his Lordship's regret at receiving

additional evidence of the embarrassments of the Province. The remedy for which lies in the Provincial Legislature, and not the Queen's Government; it states that it is unnecessary to repeat his Lordship's meaning and advice, as the Lieutenant Governor must be fully sensible of the urgent necessity for decided measures, to check the growing and formidable evil.

About one thing all were agreed—that the system of Government was defective; but for its improvement there was a wide divergence of opinion. Without a strict accountability to some head, extravagance must prevail in the expenditures; and members were unwilling that the Government should have control in money matters, unless they acknowledged themselves responsible to the House.

The surrender of the "Initiation" into the hands of an irresponsible body, thus constituted, afforded no guarantee to the House and the country, that the extravagance complained of would be abated—a mere transfer of authority would not reach the difficulty. The Reformers insisted that in order to meet the case, the entire system should undergo revision. To deal successfully with the malady the knife must be applied wherever gangrene presented itself, and then the progress of the disease might be arrested. The Conservatives as a body were averse to sudden changes, especially the adoption of a system unsuitable to a Colony, and which, if sustained, might lead to evils of greater magnitude than those for which it was to be provided as a remedy.

There was no constitutional obligation on the part of the Government to originate measures—such for instance as one which Lord Stanley's Despatch would have fully justified, in reference to the "Initiation" principle. All important matters were, therefore, dependent upon chance for their introduction. This duty devolved solely upon members outside of the Government, and there seemed to be but little restraining Executive influence whenever wild and impracticable schemes were projected; the chief concern with the Government was the preservation, intact, of the privileges they themselves enjoyed—to be let alone in the undisturbed possession of their offices.

On the 9th February, a hot skirmish took place between some of the old and new members, as to which had the right

to bring forward measures for the benefit of the Province. The Hon. Mr. Simonds thought that the House was changed for the purpose of having a change of measures; and that as some of the new candidates on the hustings had promised to do a great deal for the country, if returned, he expected they would prove themselves what they professed, by taking some interest in the devising of salutary remedies. Mr. R. L. Hazen retorted somewhat acrimoniously in reply to the observations of Mr. S. He denied that it was the duty of the new members to repair the shattered timbers of the ship of state; but he had every reason to expect that Hon. Charles Simonds would not be slow in introducing a cure, after he had paraded so much before the public in his address in the newspapers. He was led to believe that Mr. S. was going to do a great deal. Another member thought it was too soon in the Session to introduce important measures, or he would have been prepared himself with *something!*

On the 13th February, Mr. Fisher's Bill for fixing the qualification of Members of the Legislative Council, was taken up in Committee, and passed. The Speaker moved that the Bill be deferred till that day three months, and the subject taken up by Address. All the members were agreed as to the principle, but differed as to the mode; and the motion was lost—11 to 17.

On the same day Mr. Brown brought in the Report of the Committee of Finance* from which it appeared that the liabilities of the Province were £162,571 13 3—estimated value of assets, £87,905 12 2—leaving a deficiency of £74,666 1 1. The most urgent demands upon the Treasury amounted to £115,569 8 6—to meet which the assets available were only £35,128 0 0, leaving a balance of £80,841 8 6 to be provided for. The decrease in the revenue for the previous year was £61,719 17 6. The Committee recommended that a loan be negotiated in England for £80,000 sterling, to pay off the amount of "urgent demands" upon the Province.

In many cases, persons purchasing Crown Lands and Timber Berths had been allowed to run on from year to year without being called upon or compelled to pay up. In 1843 these liabilities had swelled in the aggregate to the enormous

*All such matters (1867) are now attended to by the Provincial Secretary.

sum of £48,666 3 3. A very large proportion of this amount has been lost to the Province, in consequence of the lax system by which the business of this, as well as other of the public departments, had been conducted in former years.

Mr. Partelow afterwards brought in a Bill for raising a loan to pay off the public debt, which was carried 16 to 14. In the discussion, hon. members expressed an unwillingness to surrender their "Initiation" privileges for the sake of obtaining this loan.

On the 14th February, the House was thrown into a state of convulsion, and a storm of words raged for several hours. In his zeal for the public welfare, and with a desire of having the expenditures kept within the income, the Lieut. Governor submitted to the House a Report from the Treasurer, with an Estimate of the Revenue for the current year, based upon official data, the adoption of which by the House His Excellency knew would be attended with beneficial results. The House, however, considered that this was an interference with their privileges, they alone having the right, as they contended, to deal with the question of taxation. His Excellency's action was therefore taken to be an inexpiable offence, a dictatorial proceeding in matters which exclusively belonged to the Commons. Hon. Charles Simonds defended the Governor. His Excellency was actuated by no arbitrary, but by the purest of motives. The hon. gentleman thought it a strange thing that members should stand out against receiving information, especially when it came from a quarter that had every facility for giving it correctly, upon data that could not possibly mislead. After a lengthy discussion, the House passed a resolution declaratory of their privileges, and stating that no other branch of the Government could originate a measure for levying duties—"that the House should there-"fore view any recommendation for laying duties upon the "people from any other quarter, as an interference with its "acknowledged rights and privileges."

There may have been some excuse for this display of jealousy on the part of the House—for honorable members could not be touched in a more tender place than by implying a doubt as to their judgment in dealing with matters of trade, with which they of all others were supposed to have a thorough

knowledge. But then, on the other hand, they should have considered the embarrassed state of the Province, brought about by injudicious legislation, and the necessity there was for the best intellects of the Province being exercised to extricate it from its difficulties. Whether good advice was tendered in an irregular way, or it found vent through the usual channels, it might, under the circumstances, have been accepted by members without lessening their dignity, or compromising their rights. It might have been accepted with just enough of protest to prevent its passing into a precedent. Had the present system of Government been in operation in 1843, such an interference on the part of the Governor would not have been attempted. But at that time the Governor's position caused him as much anxiety for the concerns of the different branches of the public service, as the most anxious and patriotic man in the country could have desired. He felt, therefore, the responsibility of doing all that was possible for the restoration of healthy action in a body that had become morbidly diseased. Under the present system His Excellency's advisers save him from more than half the official drudgery that belonged to the duties of his predecessors.

On the 14th, the Hon. Mr. Simonds laid before the House copies of various documents in reference to the reinstatement of the Hon. Thos. Baillie in the office of Surveyor General; these having been furnished under an Address of the House to His Excellency, of the 9th inst. The first of these documents was an extract from a despatch from the Colonial Secretary, from which it is gathered that the Hon. Mr. Baillie had tendered the resignation of his office to Sir John Harvey, three years previously, with the condition that he should have a retiring allowance—to which Sir John assented, and Mr. Baillie's successor was appointed provisionally; that is, he received the office subject to Mr. Baillie's right to be reinstated in the event of a non-fulfilment of the conditions stated. These conditions were disregarded. His Lordship accordingly advises the House to grant Mr. Baillie a retiring allowance of £600 a year, which would involve no additional charge upon the revenues. (Mr. Baillie's salary had been £1,200—his successor was appointed at £600.) "Your proper

"course of proceeding therefore will be (says his Lordship) "immediately to propose to Mr. Baillie to reinstate him in "the office of Surveyor General of New Brunswick, at the "salary at which he last held that place, (£1,200) subject to "the condition of his finally resigning it, if the Assembly "shall authorize H. M. Government to grant him a retired "allowance for life, of not less than £600 per annum."

The discussion which followed the reading of the despatches showed that the Crown Land Department had been sadly mismanaged, and it was to the absence of a proper responsible system that this state of things was owing. Mr. Brown opened the debate and reviewed the proceedings that had taken place in reference to the Crown Land Office, during a series of years. His remarks were by no means complimentary to Mr. Baillie's mode of doing business; and as they were of a strong personal nature, and made during a time of great political excitement, the writer considers it unnecessary to reproduce them here. The Press of the day also animadverted in strong terms upon the short-comings of the Crown Land Department. Mr. Hill coincided in Mr. Brown's views. He spoke at considerable length against the mismanagement of the Crown Land Department. Mr. End proposed an amendment in opposition to granting a pension; and Mr. Fisher proposed another in favour of a retiring allowance, upon the principle that paying this allowance as well as Mr. Baillie's successor, would cost the Province no more. Mr. Speaker Weldon who expressed his determination to vote against all the resolutions, read one which he meant to propose; and expressed himself hostile to the retiring allowance, as it was his belief that on making application to the British Government the salary of £1,200 might be reduced.* Mr. Brown said that he would divide the House on a resolution respecting the retiring allowance of Mr. Baillie and his incompetency for the office. After several days' debate it was agreed to report progress—the subject to be brought up at a future day.

That "future day" did not arrive during the remainder of the Session. Mr. Baillie was finally reinstated at the old

* In the course of the discussion it transpired that the Government had paid a Commission £700 for investigating the affairs of the Crown Land Department; through some informality this Commission after a time dropped proceedings, for reasons not altogether clear to the writer.

salary of £1,200 a year, and he continued in office for several years longer. The same gentleman was afterwards elected by the constituency of York to a seat in the House of Assembly, and became a Member of Her Majesty's Government, as will be more fully explained hereafter.

The logical deduction from all these things is, that Mr. Baillie had been most innocently condemned by his opponents, or the Legislature and the Government of the day were most reckless and indifferent in having sanctioned the appointment of a gentleman as an adviser of the Crown, against whom such serious allegations had been made, and not yet cleared up. The ethical view of the matter is, that if there really was any thing wrong in Mr. Baillie, he was no worse than the members of the Government; for it was their duty to have kept a proper surveillance over the affairs of the most important department within their control.

In order to provide a remedy for the loose system of voting away the public monies, Mr. Brown, on the 22nd February, moved the following resolution :—

"Whereas it is expedient to limit the annual expenditure to the probable amount of Revenue, and also to devise means for making the annual Revenue adequate to the necessary expenditure; therefore

"*Resolved*, That a statement of the Finances of the Province should be made up before the opening of the annual Session of the Legislature, under the direction of His Excellency the Lieutenant Governor or other person administering the Government, and laid before the House; and that the amount of money granted in Supply during such Session, with other sums payable by existing Laws, should not exceed the estimated available amount of Revenue set forth in such Financial statement."

Mr. End opposed the Resolution, as he was satisfied that the old system was the most effective. Mr. L. A. Wilmot replied to Mr. End with much warmth. Mr. Partelow moved an amendment in opposition, viz: to expunge the whole of the resolution, as well as the preamble, and substitute the following :—"Resolved, that the House do on Monday next go into Committee of the whole on the state of the Province." The amendment was carried. On the 4th March Mr. Brown's resolution was again taken up in Committee and met at the outset by a resolution of Mr. Weldon (Speaker) to the effect

that the House would not surrender the initiation of the money grants. This led to a sharp debate, which had little or nothing to do with the minor question. Mr. Weldon's motion was carried 24 to 7. Mr. Brown accordingly modified his resolution, so as to remove whatever was considered objectionable, except securing to the Government the power to make estimates; and this on division was also lost by the same large majority. Mr. Partelow then introduced a resolution, limiting the expenditure of each Session to the probable amount of revenue—the manner of ascertaining which, was not made apparent. This resolution was carried by acclamation. Practically it could result in no improvement. It answered very well as a sop to Cerberus—or as a blind to the advocates of reform; it was regarded as a compromise—a medium proposition between opposite extremes; and was accordingly accepted as such. The House might resolve and re-resolve to restrict the operations of the Government within mythical limits; but unless these limits were defined, the system was still vague and loose as ever. The words "probable amount of revenue" left a large margin for giving and taking. Under this *probability* excess of expenditure could be excused on the grounds of *miscalculation.* The House had no remedy—no means of redress,—so long as the Government were Constitutionally independent of them. Hon. Mr. Simonds was leader of the Government, and yet unable to grapple, any more than as a mere member of the House, with the least difficulty which in great matters beset their proceedings. He said the House was in Committee on the present state of the Province, which was admitted to be a bad one. It was too late to discuss the initiating question; but he would go with any resolution that the House should not exceed its revenue in its expenditure. But how were they to get the Province out of difficulty; it was evident they would not get a loan; and therefore it was for the Committee to consider what course they would pursue. He thought they could not get on without a loan; and that could not be obtained without the guarantee of the English Government. It was left for the House, however, to decide what course they would pursue. He presumed it was not intended to procure a loan without the intervention of Government, as that would be the

first step towards independence. The hon. gentleman said he cared but little about the initiation question personally, but should like to see the principle adopted, as he had some stake in the country; and he was satisfied the time was not far distant when its adoption would be forced upon the House by public opinion; as unless a change took place, the inevitable consequence must be direct taxation. As the appropriations were conducted at present the Government would not guarantee a loan; and if money were obtained without the intervention of Government, the House would go on indulging in expense, and another loan would be the result. He was willing to go for any resolution that would restrain the future expenditure within the income; but that would not relieve the present difficulties. He was surprised, he said, that the Committee had not heard from the hon. member for St. John, (Mr. Partelow,) who was considered a very able financier; he evidently expected to be able to borrow £100,000; but he would not get it under the present system. If that gentleman would point out any constitutional means by which a loan could be obtained, he would second his endeavour; but not if it were intended to obtain it without the sanction of the English Government.

Mr. Hazen suggested a mode by which the operations of the House might be brought within some restraining influence, viz: by introducing several additional rules for the guidance of Members, under which it was prescribed that the Committee of Supply should not enter upon the performance of their duties without two days notice being given. A book was to be kept in which notices of motion must be entered, and these motions to be taken up in supply, in succession.—None others, unless reported to the House, were to be considered.

These rules were adopted and worked satisfactorily, and were a great improvement upon former Legislative proceedings in supply.

(1840.)

APPENDIX TO CHAPTER II.

☞ General Sir William Thornton, Colonel of the 85th Regt., Infantry, committed suicide at Quebec on the 18th May.

Fatal Duel in Montreal.

A duel was fought a couple of weeks since, in Montreal, between Lieut. Colonel White, of the 7th Hussars, and Mr. Grant, late of the 79th Regt. The Colonel fell from the fire of his opponent. Cause of quarrel: Colonel White displayed ungentlemanly conduct towards a young lady related to Grant.

Provincial Appointments.

Lauchlan Donaldson, Isaac Woodward, and William Mackay, Esquires, to be Commissioners to meet such Commissioners as may be appointed from the Province of Nova Scotia, to take into consideration and report upon the subject of daily communication between Halifax and Saint John.

☞ The price of fresh Salmon in the Saint John Market, on the 27th June, was 2s. 6d. each. The same size of late years has been worth $2.

Spurious Copper Coin.

The Province in 1840 was inundated with a spurious Copper Coin,—so current, indeed, that there was said to be a *Mint* in the Parish of Portland, got up on private account, from which a peck of iron *coppers* was turned out daily. The Merchants at length combined and refused to accept none unless of pure copper, no matter what the face was—consequently many persons found themselves suddenly saddled with bushels of the spurious stuff, for which there was no redemption, and lost heavily.

☞ Mr. Vandenhoff, the great Tragedian, arrived in Saint John, and performed nightly at the Institute to large audiences.

Correction.—Please suppress paragraph in Appendix, page 44, relative to salary of Mayor, Chamberlain, and Common Clerk, and read as follows:—Income of Mayor (derivable from Fees,) in 1841, between £400 and £500; City Clerk, not less than £1200; Chamberlain, for the year ending 31st March, 1840, £1,684; year ending 31st March, 1841, £1,735 4s.

☞ At page 39 read *Tantamar*, instead of Tanta Bar.

Attempt to Assassinate the Queen.

News received in New Brunswick (by the Steamer *Britannia* at Halifax,) of an attempt having been made to assassinate the Queen while driving through one of the London Parks. According to the account Her Majesty and the Prince were seated in a very low German drotschky, followed by the usual attendants. A number of most respectable people had assembled outside the gate at Buckingham Palace to witness her departure. After the carriage had issued from the gate, and had proceeded some short distance up Constitution Hill, so as to be quite clear of the crowd, a young man, who had come from the Greenpark, and was standing with his back to the railings, presented a pistol and fired it directly. The Prince, who heard the whistling of the ball, turned his head in the direction from which the report came, and Her Majesty at the same instant rose up in the carriage, but Prince Albert as suddenly pulled her down by his side. The man then drew from behind his back a second pistol, which he discharged after the carriage, which, proceeding at the ordinary pace, had by that time passed him a little. The reports of both pistols were very loud, at the discharge of the second several of the female spectators screamed very loudly. Several persons rushed towards the perpetrator of this gross outrage, and he was immediately seized and handed over to two of the Metropolitan Police, who conveyed him to the Queen Square Police Court. The discharge of the pistols and the seizure of the offender scarcely occupied a minute. Her Majesty's carriage sustained no delay, and moved on up Constitution Hill at the usual pace, and by half-past six had arrived at the Duchess of Kent's, Ingestre House, Belgrave Square, where Her Majesty stopped for a short time, but neither her appearance nor that of Prince Albert evinced any indication of alarm or excitement at the deadly attack from which they had so providentially escaped.

The name of the ruffian who had been guilty of this diabolical attack is Edward Oxford; his address is No. 6, West Street, West Square, and he is a public-house servant out of place. His appearance is that of a workman, 18 years of age, and rather below the middle height. On searching his lodgings a sword was found, and some crape arranged for the purpose of being worn on a hat or cap in such a way as to conceal the face of the wearer; and the crape is also stated to be folded in a peculiar manner, so that the crape which was intended for the prisoner would distinguish him from the rest of the gang with which it is said he is connected, and who were to be similarly disguised.

Reception of the Governor General at Saint John.

The new Governor General, Right Hon. Mr. Paulett Thomson, arrived in Saint John in July. This gentleman was sent out with instructions to examine into the political troubles of the North American Provinces, and use his best offices for the purpose of applying a corrective. A few years before this Mr. Thomson, as President of the Board of Controul, had rendered himself so obnoxious to New Brunswick, by his course in favour of a repeal of the Timber Duties, that his effigy was burnt on King's Square, by a crowd of unruly persons. There was no Police then to prevent the outrage. The following account of the same gentleman's reception in 1840 is here repeated by way of contrast. The account goes on to say—On no occasion have we witnessed more parade, ostentation and form, than on last

Wednesday. A Triumphal Arch was erected on the evening previous, at the foot of King Street, extending from the Coffee House Corner to the New Market House, which was tastefully festooned with green brambles and flowers. On the top it was surmounted by a purple crown, handsomely ornamented. His Excellency landed from the *Nova Scotia* from Windsor, about half past ten o'clock, under a salute of nineteen guns from the Royal Artillery. The different trades formed in line through Prince William and King Streets, through which His Excellency passed. The streets presented a crowded mass of individuals from the landing place to the Hotel—while every nook and corner that could command a view of the Governors, was filled by all classes, of both sexes. The Troops in garrison, and several of our Militia dress Companies appeared to great advantage—and amid the variety of the scene produced an excellent effect. A portion of the New Brunswick Regiment of Artillery was stationed on King's Square, and gave a general salute as His Excellency entered the Court House. The Coachmen, Cartmen, and Draymen of the City of Saint John, took part in the procession. They were in charge of W. O. Smith, Esq. and drew up in front of the Court House, (in rear of the BAKERS,) and formed a Mounted Guard of Honor. The Procession over, His Excellency held a Levee at the Court House, when a number of presentations took place; and from the Body Corporate, Chamber of Commerce, and Mechanics' Institute addresses were presented and replies delivered by His Excellency; who in conclusion delivered a neat and appropriate speech to the thousands who were gathered in front of the Court House, amid continued cheering. After which he went to the Saint John Hotel, where the whole of the procession and the military passed in front. Upwards of 10,000 persons were present. Sir John Harvey was loudly cheered by the assembled concourse, and replied in a neat and appropriate speech. At 6 o'clock, Sir John entertained the Governor General and suite, to a very excellent dinner prepared by Messrs Scammells, at the Hotel. About thirty in all sat down, among whom we noticed his honor the Mayor, the Chamberlain, Major Brooks, and the heads of departments.

The reception which His Excellency met with in Frederiction, was equally enthusiastic.

Mr. Thomson while Governor General was created Baron Sydenham, and died and was buried in Canada in a year or two afterwards.

☞ Mr. Wm. Scovil, M. A., of the University of Fredericton, ordained in St. Paul's Church, Halifax, on the 9th August, 1840, by the Right Rev. Dr. Inglis, Lord Bishop of the Diocese of Nova Scotia and New Brunswick.

Distinguished persons in Saint John.

John Quincy Adams, Ex-President of the United States, arrived in Saint John, September 8, 1840, and put up at the Saint John Hotel, corner of King and Charlotte Streets—then considered to be *the* Hotel of the Province. The following is a list of the prominent persons who were in Saint John, as visitors, at the same time—

Honble. Mr. and Mrs. Pemberton, Quebec; Lieut. Col. Codrington, Coldstream Guards; Mrs. Codrington; Captain Clifford, Coldstream Guards; Messrs. Moffatt and Jeffery, Montreal; Lieut. Col. and Mrs. Chaplin, Quebec; Sir John Caldwell; Sir J. W. Copley; Capt. Tennant, 35th Regt., Lieut. C. Tennant, R. N., England; W. Gordon, Esquire; Judge Carter and Lady;

Hon. Mr. Shore and family; Major Cairns, Capt. Pratt, Capt. Ross, Lieut. Cummin, Lieut. M'Dougall, 36th Regt.; Hon. John Q. Adams, C. F. Adams, Esq., Nathaniel Curtis, Esq. United States; John Frotheringham, F. Frotheringham, Esquires, Montreal; Lord Frederick Poulet, Mr. Ebrington, Guards, Quebec; Mr. Armour, Mr. A. H. Armour, Montreal.

Another Morning Paper.

The second Morning Paper in the lower Provinces, called "The Morning Herald" was started in Halifax, in September, 1840, by Mr. Wm. Cunnabell. Paper discontinued after a few years.

Arrival of a Prince in Halifax.

The Prince d'Joinville, son of Louis Phillipe, (then) King of France, arrived at Halifax in the *Bella Poule*, the vessel that had just previously conveyed the remains of the Emperor Napoleon from Saint Helena to France. The Prince remained in Halifax over a week, and visited the Prince's Lodge, six miles from Town, where his father (Louis Phillipe) once tarried as a guest of the Duke of Kent.

Bishop of Fredericton.

The Fredericton *Sentinel* says that it is reported, and currently believed, that the Rev. Baptist Noel of England, is to be the new Bishop for New Brunswick. The Herald of Saint John states with more positiveness that the Rev. Dr. Jacob, of King's College, is to be the Lord Bishop.

☞ Mr. Buckingham, the Eastern Traveller, arrives in Saint John, and delivers an interesting course of Lectures on the Holy Land.

☞ Pursuant to a General Order from the Horse Guards, and another from Head Quarters, Fredericton, the Officers of this Garrison went into mourning, for Her late Royal Highness, the Princess Augusta, Her Majesty's Aunt, on Sunday last, by wearing crape on the left arm, and will continue the same until Saturday the 7th proximo, embracing a period of 14 days.

Confirmation, and Honors shewn to a Bishop.

☞ The Lord Bishop (Inglis) held a Confirmation at Trinity Church, Saint John, Tuesday, November 1, when 130 children were confirmed. On his departure from Saint John for Digby, he was received at the Wharf by a Guard of Honour, under command of Colonel Monins. It was customary on the return of Bishop Inglis from England in a Man-of-War, that, on leaving the vessel for the shore, a salute was fired from the ship in honor of his lordship. This was no uncommon occurrence.

☞ Died at Government House, Halifax, on last Monday morning, after a short illness, Edward Ross, Esquire, Private Secretary to His Excellency Lord Falkland. During the very brief residence of this gentleman here, (Halifax) he was much esteemed by all who knew him for his intelligence and amiable character, and his death will be sincerely lamented.

Mortality among British Troops.

From the statistical tables of mortality among the British Troops in the United Kingdom and its Colonies, we learn that the annual average number

of deaths from every thousand, is, in Great Britain, 15.3; in Nova Scotia and New Brunswick, 14.7; at Sierra Leone, 43.3; and at the Cape Coast Command, 668.3. The most healthy and the most unhealthy stations are in Africa. At the Cape of Good Hope, by 13.7 die from every thousand, and on the Eastern Frontier of the same Colony, only 9.8, while, as before stated, at the Cape Coast Command, 668.3, more than two-thirds of every thousand are annually swept away! A commission to such a station is almost a certificate to the grave.

Saint Andrew's Society, Fredericton.

At the Annual Meeting of the Fredericton Society of Saint Andrews held on Monday evening 10th instant, the undermentioned gentlemen were re-elected office-bearers for the ensuing year.

James Taylor, Esq. President; John Gregory, 1st Vice President; Robert Fulton, 2nd Vice President; The Rev. Dr. Birkmyre, Chaplain; John F. Taylor, Treasurer; W. M'Beath, Secretary.

Snow Storm.

From November 20th heavy snow storms succeeded one another, at intervals all over the Province—at which date winter had fully set in.

[From the Royal Gazette.]

SUPREME COURT,—Michaelmas Term, 4th Victoria.

Francis A. H. Straton, John Campbell Allen, and John M. Johnson, Junior, Attorneys of this Court, are called to the Bar, and admitted, and enrolled Barristers.

Andrew C. Black, James G. Harding, W. T. Wyer, William C. Hare, Allan A. Davidson, and James P. Wetmore, Gentlemen, having procured the requisites of study, and of moral character, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attorneys of this Court.

(1843.)

CHAPTER III.

Disallowance of Bill for Members vacating their Seats—Reformers in the House inactive—Rumours respecting a Coalition—Mr. Hill (Charlotte) speaks of those rumours—Rumours finally confirmed—The Liberals out-of-doors dissatisfied—Government appropriation of Funds without warrant from the House—Composition of the Legislative Council—Their obstructive Policy—Hon. Messrs. Hazen and Montgomery sworn in as Executive Councillors.

On the 23rd March, Hon. Mr. Simonds brought down several Messages, among them one referring to a despatch of Lord Stanley relative to an Act passed at a previous Session, which required that members of the House should vacate their seats on becoming members of the Government. This Act being un-British was disallowed. It is somewhat edifying at this day to take a retrospective glance at the blunders of the past, and see how superficial was the "wisdom of the Province" in regard to the leading principles of the British Constitution. The ideas of the House in 1843 were certainly in advance of those of the Imperial Parliament, but then these ideas were obliquely directed. The motive for compelling all Executive Councillors to vacate their seats on accepting office, is incomprehensible to the writer; but it should have been known to the House, (as it is known to every one now,) or, if known, it should have been regarded as a settled fact, that it was only the heads of departments in England, who were called upon in such cases to ask the appro-

val of their constituents. New Brunswick had no "Government by heads of departments" in 1843.

The office of Executive Councillor is considered analogous to that of a Privy Councillor, or rather of a member of the Cabinet Council in England, and the acceptance of a seat in the Privy Council or Cabinet does not involve the vacation of a seat in the House of Commons. These things, however, are better understood now. Whenever there is any obscuration or dark shadow, it is by politicians standing in their own light. The acceptance of an office of emolument in the Government renders it incumbent that a member should go back to his constituents. Mere Executive Councillors are not required to do this.

The other despatches were in reference to King's College, and not of material importance here. (The College question will come up repeatedly hereafter.)

Up to March 20th—the House being in Session about two months—there was not what used to be called a real "field day,"—that is, a discussion, a party conflict, upon the fundamental principles of Responsible Government outside and independent of all minor considerations, considerations in regard to "the initiation," "the preparation of a budget," &c. The friends of reform outside of the House became impatient and called lustily through the newspapers upon Mr. Wilmot, Mr. Hill, Mr. Fisher, and other leaders, to marshal their forces and do battle for their principles. It was not supposed that a majority could be had to sustain them. Nevertheless, it was considered to be equally their bounden duty, even under the apprehension of defeat, to re-kindle the fires of their party upon the altars of their country—the floors of the House—that the attention of the people might be aroused, and directed to the light in which the great principles were to be viewed by their representatives, and reflected back upon the constituency. Without a discussion by those who so well understood the great question, it would be in vain for the people to try and extricate themselves from their political thraldom. They required to be led, and from their leaders they expected information. A mere pollarding of the tree was like quibbling with the mischief. The axe must be laid at the root of the difficulty, and the determined

strokes of the leaders must lay it in the dust. It was no use to talk of the "Initiation of the Money Grants" without holding the Government responsible to the House for the expenditures—and having the power to dismiss the Government in case of a misappropriation of the funds. It would not do to allow the Session to pass over without the main question being touched. In consequence of the delay one writer wanted to know where were Mr. Wilmot's professions made on the hustings—where was he who talked so eloquently under a banner hoisted by himself in advocacy of Responsible Government? When were those professions to be made tangible? Another wanted to know, where was Mr. Fisher, who on the hustings, "laid before the people of New Brunswick his views of the old and new systems of Government?" Mr. Hill, where was he—a gentleman who had written one of the most able letters upon Constitutional Government that ever appeared in a Colonial newspaper. Had he nothing to say at this juncture? No doubt these gentlemen had their reasons for keeping the question back for the present. Their endeavour may have been to reach the party in power by gradual approaches—or they were keeping their powder dry for a suitable occasion, when they might take up a position, and fire to advantage. That occasion, however, did not present itself—or if it did it was not taken advantage of—during the remainder of the Session. Consequently, the Session of 1843 passed away without anything material having been gained for Responsible Government. It was urged, that the minor questions as they came up almost always ran into the major—that all these discussions subtended to the one end—that it was impossible to discuss the "initiation" principle, without entering upon the larger field of Responsible Government.—This, to some extent, was true; but the plea did not satisfy the friends of reform outside, who contended that the House should have been divided upon the broad question itself—untrammelled by any subordinate issues—in order that a mark might be placed opposite the name of every member, and his true position defined before the country.

On the 14th March rumours were rife that the Government were in the throes of dissolution—that a rupturé had taken place, and a re-construction was inevitable. It was said that the majority of the Members were about to resign, and that the

Government was to be carried on by a quorum, of which Mr. Simonds was to be one, and Mr. Saunders another. The retiring members were alleged to be, Messrs. Black, Crane, Shore, and Robinson.* Mr. Hill inquired of the leader of the Government (Mr. Simonds) if there was any truth in those rumours. In his reply, the honorable gentleman said that "the present Executive Council would relinquish the Government whenever called upon to do so; and that there would be no obstacle to the formation of a Council that should have the confidence of the people." However liberal this may have seemed, it was a safe answer; for constituted as the House was, there was no danger of the Government forfeiting its confidence under any circumstances. It would have been optional with the Government to resign, no matter what the declaration of an individual member of it. Without the House having the power to enforce obedience to an adverse vote, it would have been little better than mockery to have attempted any thing.

On the 18th the House went into Committee of the whole on the Reports from the Select Committee on the various Accounts connected with the Receipts and Expenditures of the Queen's Casual Revenue. The Chairman of the Select Committee moved the following resolution, which was carried:—

Resolved, As the opinion of this Committee, That Warrants have been drawn on the gross proceeds of the Hereditary, Territorial and Casual Revenues by the Executive Government the past and present year, for services not justified by the fourth Section of the Act for the support of the Civil Government of the Province; such Section authorizing the Lieutenant Governor or Commander in Chief for the time being, to expend out of the gross proceeds of the Casual Revenue, and of the Sales and Leases of Crown Lands, such sums of money only, as may be necessary and requisite for the prudent management, protection and collection of the Revenue.

A debate which lasted several days followed the introduction of this resolution. But it resulted in nothing except the expense it entailed. The discussion failed to fix any Ministerial

* The Gazette of March 21st confirmed these rumours as follows:—"His Excellency the Lieutenant Governor has been pleased to accept the resignations of the Hon. Wm. Black, the Hon. George Shore, the Hon. Frederick P. Robinson, the Hon. Wm. F. Odell, and the Hon. Wm. Crane, as Executive Councillors, and to appoint the Hon. Hugh Johnston and the Hon. Edward B. Chandler, (provisionally,) as members of the Executive Council."

responsibility upon those who had illegally drawn the warrants. The opinions expressed merely amounted to a polite censure of those who knew the exact length of the lash; and who knew, too, that their offices were far beyond the reach of the House, no matter how guilty their conduct, or unpardonable the circumstances. So stolid were they to any outside pressure, from the independence of their position, that the Government might, if so inclined, repeat the act, and defy the House to touch them. One gentleman had been granted £800 from the Surplus Civil List Fund for his past year's services—£105 had been granted to another for "contingencies"—in both cases after the House had decided against these appropriations. The services of Dr. Gesner, for a Geological Survey, had been retained by the Government and paid for, likewise in opposition to the wishes of the House. Other sums not necessary to specify had also been drawn from the same fund in a similar manner.

On the 21st the discussion was renewed with increased vigour; a correspondent addressing the writer under date Fredericton, March 21st, remarked: "Thus the House and "the Government are fairly at issue; and unless great pru- "dence is displayed on both sides, the effects will be, in the "present circumstances of the country, disastrous to the Pro- "vince. I have not time to give you any further particulars, "than merely to state that the Committee adjourned on "Saturday, to ascertain whether, in the postage account of "the Lieutenant Governor, two quarters postage were charged "that were left unpaid by Sir John Harvey, as was asserted "by the Committee of the Executive Council, in their reply "to the Report of the Select Committee; but which was con- "tradicted by the Speaker, Mr. Partelow, and Mr. End; and "which, upon reference to the Audit Office, was found to be "incorrect; that officer having settled for his postage to the "last of March, just before leaving the Province. Mr. "Simonds afterwards brought down an explanation, in which "it was stated that there was an error in the date, and that "only £7 of Sir J. Harvey's postage was included, but that "the two first quarters postage were advanced by Sir William "Colebrooke from his private funds. Mr. End was very "severe, and justly so, upon the former friends of the late "Governor, for thus attributing to him what he was not

"guilty of, and which could not be justified on the ground of "error."

Loud complaints were made at this time in regard to the composition of the Legislative Council. A large proportion of its members were hostile to the least innovation, or, as they thought it, an infringement upon their rights, and the political institutions of the Province. It was complained by members of the House, that the Council rejected measures of great importance that had passed the lower branch, after lengthy and laborious debates, without giving a solid reason for their verdict — in fact treated the House sometimes cavalierly, as if it did not form a constituent branch of the Legislature, and did not possess power in common with themselves. For example, it was made a matter of bitter invective against the Council, for having refused their assent to a Bill introduced by Mr. Wilmot, and carried, for amending the Charter of King's College—a measure which, as was alleged, "even handed justice" to all denominations imperatively demanded.* It was also complained that the Council rejected Mr. Fisher's Bill regulating the qualification of members of their own body.† The chief reason assigned in the House for the hostility of the Council to the measure was, that the latter body contained persons who, if the Bill became law, would be unable to qualify, and would, in consequence, have to resign their seats. It was also alleged that the Council consisted of others who had been public defaulters, and should not be allowed to exercise legislative authority over acts intended for the public safety. It was also complained that the Council did not represent the different religious or political interests—that it had but one Presbyterian and one Baptist among its members, all the rest being Episcopalians; while the Reformers were without a single representative in that branch.

On the 4th of April Mr. Brown congratulated the Committee of Supply before they rose, upon the circumstance of the appropriations being at least £2000 within the amount estimated, supposing the revenue for the year to be £70,000.

* Mr. Wilmot introduced a resolution condemnatory of the Council's conduct for rejecting this measure—and the Council unanimously voted it a "breach of privilege."

† Mr. Fisher afterwards voted for an Address to the Throne embodying the whole subject.

It was thought by other members, however, that the revenue would not reach £60,000 ! !

On the 11th Mr. R. L. Hazen and Mr. John Montgomery, were sworn in as Executive Councillors. These appointments indicated, however remote the establishment might be, some recognition of the principles of Responsible Government, as the members of the Government were gradually being brought upon the floors of the House, and thus would be held accountable to the opinions expressed in this quarter, without being bound to any decision that might be given against them. This last result was not to be expected for some years.

On the 11th the Legislature was prorogued. Among the most important measures passed during the Session, and to which His Excellency's assent was given, were the amendments in the Election Law ;* and the Act (before referred to) for raising a loan to pay off the Provincial debt. According to this Act the amount to be borrowed was £70,000 at 6 per cent. ; to meet the interest, and provide for the ultimate liquidation, one per cent. was to be levied on importations.— Commissioners were to be appointed by the Governor for the negotiation of this amount, and debentures issued for £1000, so as to afford an opportunity to persons in the Province to invest their spare capital. The outstanding warrants to be paid first, according to their priority. The debt was to be paid off in fourteen years, by annual instalments of £5000,—the first payment to be made in September, 1844, provided the loan was taken up in the Province ; but if in England, the first instalment to be paid in 1849.

The recital of the principal features of this Act is made for the purpose of contrasting an operation which involved a liability of only £70,000, with the action of our Legislature at a later period, whereby a debt of a million and a half was not considered disproportionate to the abilities of the Province to assume. In 1843, it was considered by some persons that the borrowing of £70,000 would be like placing the last ounce upon the camel's back—the Province would certainly break down under the weight. Our debt now exceeds a million and a half; and yet we have Political Economists

* The amendments were for reducing the duration of the House of Assembly from seven to four years, and raising the qualification of candidates from £200 to £300 over all incumbrances. This Bill was passed on the 16th March, having been introduced by Mr. Fisher.

among us, who believe that we have a back strong enough to carry even a still heavier burthen. Nor is the writer prepared to question the assumption.

(1840.)

APPENDIX TO CHAPTER III.

Institute Lectures.

The opening course of Lectures commenced in the new building, first time, on Monday 7th December, 1840. The republication of the course for that season will be interesting to the younger members of the Institute. It will be seen that there were two lectures a week delivered, and there appeared to be no difficulty in obtaining Lecturers, and yet the Institute at the present day doubtless has the names of more members upon its books than it had in 1840.

Arrangement of the course of Lectures for 1840-1,—

Monday, December 7th—Dr. Gesner, to deliver the opening Address. Friday, 11th—Mr. Blatch, on Self Instruction. Monday, 14th—Mr. J. H. Gray, on the Life and Writings of Sir Walter Scott. Friday, 18th—Dr. Gesner, on Mineralogy. Monday, 21st—Mr. J. H. Gray, in continuation and conclusion. Friday, 25th—(Christmas Day,)—no Lecture. Monday, 28th—Mr. M. H. Perley, on the Early History of New Brunswick. Friday, January 1st—(New Year's Day,) no Lecture. Monday, 4th—Mr. M. H. Perley, in continuation and conclusion. Friday, 8th—Mr. P. Stubbs, on the Origin and Use of Newspapers. Monday, 11th—Mr. Blatch, on China. Friday, 15th—Mr. Blatch, ditto. Monday, 18th—Mr. Blatch, ditto. Friday, 22nd—Mr. Blatch, in conclusion. Monday, 25th—The Rev. Mr. M'Gregor, on the Science of Geography. Friday, 29th—Rev. Mr. M'Gregor, on the Geography of History. Monday, February 1st—Mr. Robertson Bayard, on the Antiquities of America. Friday, 5th—Mr. Geo. N. Smith, on the Progress of the Fine Arts, from the institution of the Italian Schools. Monday, 8th—Mr. R. Bayard, in continuation and conclusion. Friday, 12th—Mr. Geo. N. Smith, in continuation and conclusion. Monday, 15th—Capt. O'Halloran, 69th Regt. on Field Fortification. Friday, 19th—Mr. M. H. Perley, on Saw Mills. Monday, 22nd—Capt. O'Halloran, on Military Survey. Friday, 26th—Mr. W. Jack, on the Rise and Progress of Literature. Monday, March 1st—Mr. James Paterson, on the Properties of Matter. Friday, 5th—Mr. James Paterson, on Equilibrium and Motion. Monday, 8th—Mr. James Paterson, on Gravity. Friday, 12th—Mr. James Paterson, on the Mechanical Powers. Monday, 15th—Mr. James Paterson, on Hydrostatics. Friday, 19th—Mr. James Paterson, on Pneumatics. Monday, 22nd—Mr. James

Paterson, on Optics. Friday, 26th—Mr. Wm. Wright, on the French Revolution. Monday, 29th—Dr. Gesner, on Electricity. Friday, April 2nd—Dr. Gesner, ditto. Monday, 5th—Dr. Gesner, on Galvanism. Friday, 9th—Dr. Gesner, on Magnetism. Monday, 12th—Dr. Gesner, on Electro Magnetism. Friday, 16th—Dr. Gesner, to close the Season with a Lecture on the Natural Resources of New Brunswick.

The early History of Saint John.

It is believed that the extract below, from one of the Lectures delivered by M. H. Perley, Esq., and reported and published by the writer at that time, will be worthy of the space which is here given to it—inasmuch as it refers to an important epoch in the history of Saint John. No man possessed a better knowledge of this Province than Mr. Perley. As a lecturer he surpassed any other of the day,—indeed, considering his happy, extemporaneous style, his diction, matter, personal appearance, manner, &c., there have been none to surpass, if equal him, since. He was invariably received by overflowing and gratified audiences.

"In 1772 all the country west of Saint John was burned over, the trees having been blown down in a hurricane 14 years before. For some years after, the settlers on this harbour were repeatedly plundered by rebel privateers; but at last a party of soldiers was sent to prevent them, and a blockhouse was built on the high hill in Portland, and the place was named Fort Howe. The Indians also were incited into hostilities, by emissaries from the United States; and on one occasion, a body of them, in ninety canoes, set off down the river to plunder this place and burn Fort Howe. They were met by Mr. White, the father of our excellent Sheriff, who was very popular with them, under the name of "Wahbeet." He succeeded in appeasing and turning them back; the relation of this meeting was given with much effect, and the cool courage of "Wahbeet" in facing, alone and unarmed, this body of angry savages, was glowingly depicted. But in 1783 the great event came upon the carpet. In May of that year, the first of that brave and loyal band which followed the meteor flag of England wherever it might lead, landed on the site of this City and cleared up the present Market Square. All that season they continued coming, and the following winter there were nearly 5000 persons in this place, who were imperfectly housed in log cabins. The disbanded soldiers of one Regiment got nearly all Union Street, and formed a continued line of log houses from York Point to the back shore. The City was divided into two settlements, the Upper and Lower Coves; but the bulk of the population, and the business establishments, were in the Lower Cove. The carting between Upper and Lower Coves was done along the beach by Pettingell's Yard, and round Reed's Point. Where the new Custom House is building, this way was said to be very bad. Dock Street was a narrow foot path along the edge of a rocky cliff, where people had to hold on by the roots of the trees, to avoid rolling down upon the beach. A weir was put across from York Point to Portland Point, which caught an immense quantity of fish; and although the weir was scuttled, and an enormous quantity escaped, yet the inhabitants were unable to take care of what remained, and many of them spoiled. The way to Portland was across the flats from York Point, to where Harris & Allan's Foundry stands, and three years elapsed before a bridge was put across. Although every exertion was made by Government to assist the new comers, yet many of them died the first winter from diseases induced and aggravated by want of sufficient shelter, and other

privations. The unflinching and devoted patriotism of these loyal subjects, who had abandoned every thing to maintain their allegiance to Britain, was strongly and energetically commented upon by the lecturer—who said we could scarcely admire sufficiently the indomitable perseverance and strong spirit of men, who for the first time braved the horrors of a bitter winter, in miserable hovels, in a dreary region, struggling with difficulties and privations incalculably severe, surrounded by dismal swamps and endless forests, rather than yield one iota of their duty to their sovereign and their country!

"The first vessel built in this harbour was built in the Market Square, a brig of 160 tons. Salmon were sold then at ninepence each, being an advance of three half pence on the price when the loyalists first came. Mr. Perley exhbitied the first Custom House book of this Port, from October 1783 to November 1784, and it was viewed with great curiosity—truly it was a very great one, and afforded an immense contrast to the books of the present day at our Custom House, and marked very strongly the difference which less than three score years have made in our commerce and shipping.

"In November 1784, a commission to Thomas Carleton, Esq., appointing him Governor of the Province of New Brunswick, and defining its boundaries, was published at this place, then called *Parr Town*. Measures were immediately taken to escheat a number of very large grants, which had been made in this Province, by Nova Scotia; and as the Governor and Council did their duty fearlessly, most of them reverted to the Crown.

"In 1785 the Province was divided into Counties and Parishes, and in that year the City received its Charter, and the name of Saint John. The first House of Assembly met in the City in January 1786; and Mr. Perley concluded his highly interesting Lecture with the first speech of the first Governor of New Brunswick, to the first House of Assembly, at their first Session.

"After the conclusion, Mr. P. extemporaneously added a few remarks upon the present flourishing condition of the Province—particularly this City, compared with what it was when the loyalists sought a home in the wilderness; King Square, for instance, was, within the recollection of not only the "oldest inhabitant," but in the recollection of many who would take it amiss to be considered so, a dreary cedar-swamp; as uninviting, for useful purposes, as any spot in the centre of the wilderness. Now, he well and truly remarked, how changed! He reminded his hearers of the different prospect that presented itself on this very identical spot, on last Wednesday week, where country teams, burthened down with the fat of the land, were to be seen in such immense numbers, and the crowds of people about them so great, that it was almost impossible for a person to work his way through them. He also drew another contrast, equally, if not more peculiar; by adverting to a circumstance which excited the risibles of the audience, not a little. When the father of the present Messrs. Leavitt first set foot upon this soil, he became rather discouraged at its wild prospect, when Mr. White, who was rather more inured to a forest life, and acquainted with its privations, thus consoled the adventurous pioneer:—"Cheer up! cheer up! ships will come here from England yet!" and—added the Lecturer—*they have come*—which dry observation, delivered with a peculiar *naivette*, 'set the audience in a roar.'"

(1844.)

CHAPTER IV.

Opening of Session of 1844—*His Excellency's Speech—Reconstruction of Legislative Council—Exercise of the Prerogative in Canada by Sir Charles Metcalf—The Legislature of New Brunswick affirms the principle—Congratulates Sir Charles in a Joint Address of both Branches—Several parts of the Province do the same—The Legislature the next year tramples upon its own principles in the case of Mr. Reade's appointment as Provincial Secretary—Explanation of the Canadian difficulty—&c. &c. &c.*

The Legislature was convened on the 1st of February. The Speech of the Lieutenant Governor at the opening, foreshadowed nothing striking, even in reference to the questions that had been agitating the public mind for so many years. After congratulating the Province upon the birth of another Princess (Princess Alice), His Excellency referred to the revival of trade and commerce during the past year—alluded to the bountiful harvest, the great reward that had crowned the labours of the husbandman, in regard to his principal crops —advised the people of New Brunswick to give more time than they did to agricultural pursuits. He called upon the Legislature to encourage the fisheries by means of bounties, and encourage also the domestic manufactures of the Province. His Excellency next alluded to the consolidation of the Revenue Departments,—also to a measure of the Legislature in reference thereto, which had received Her Majesty's approval during the recess. Finally, he called upon the

House to exercise the utmost economy in the distribution of the public moneys, and expressed a hope that the duties of the different offices would be discharged with efficiency, and that the public credit would be maintained.

The business of the House for several weeks was of a routine desultory character. The Address in reply to His Excellency's Speech was passed without a proposed amendment, and with very little discussion. On the 7th of February the copy of a despatch from the Colonial Secretary was laid before the House by Hon. Mr. Simonds, in which Lord Stanley takes exception to the Revenue Bill of the previous Session, as it favoured "differential duties" in many important particulars, which, as His Lordship remarks, is averse to the Imperial policy. Were it not for the confusion it would occasion he would certainly call upon Her Majesty not to ratify the measure; but in future the principle here enunciated must be strictly adhered to in the preparation of a Revenue Bill.

On the 9th Mr. Fisher moved for an Address to His Excellency, for the purpose of ascertaining what despatches had been received from the Colonial Secretary with respect to the reconstruction of the Legislative Council.

It will be as well to state here, that during the recess the Council had been re-organized—the following gentlemen having been appointed to seats therein, viz: Mr. Minchin, Mr. Crane, Capt. Owen, and Mr. T. H. Peters, of Miramichi, —in place of the following gentlemen who had retired: Hon. Thomas Baillie, (Surveyor General,) Hon. Mr. Lee, (Receiver General,) the Hon. Mr. Allanshaw, of St. Andrews, and the Hon. H. Peters, of Gagetown. The reconstruction was not considered at the time to be any great improvement, or to answer many of the objections raised in the Assembly to the character of the old Council. Capt. Owen was thought to be too advanced in years (over 70) to discharge the arduous duties of a legislator. In the Legislative Council the subject was discussed with some warmth.

"Hon. Mr. Botsford said, I rise to enquire upon what principles the late change has been made in the Council. I for one am exceedingly sorry to find several very valuable members who were present last year, absent, and I have not learned upon what grounds the change has been made. I consider the two branches of the Legislature should be separate and distinct bodies. I regret exceedingly the absence of such

valuable men; if they have gone out voluntarily, then probably no one is to blame, but I think it right I should be informed on the subject. I for one do not wish to remain in the Council unless I can hold an honorable position. I ask if the members of the Government present cannot give reasons at once, upon sound principles, why the changes have been made. I admit the Government has a right to make them when it thinks proper, but if changes are to be made in this body, at the mere nod of the other branch, I would rather be elected at once. If the late changes have not been made upon proper and sound principles, I shall feel bound to resign my seat.

"Hon. Mr. Chandler said in answer to what had fallen from the hon. member who last spoke, he would inform him, that a despatch from the Colonial Secretary on the subject, would, at an early period, be laid before the House, and declined saying anything further at present, as he considered it would be rather premature."

On the 13th February the Hon. Mr. Simonds laid before the House the despatch in question, dated 11th July, 1843,—the following extracts from which will explain all the points raised and answered. His Lordship says:

"The House of Assembly insist that the Legislative Council of New Brunswick ought to be composed of persons connected with all the great Religious Denominations, and with all the more considerable social interests of the Province;—that they should be men of independent property, and of unimpeached personal reputation; that any Member becoming bankrupt or insolvent, or a public defaulter, should immediately vacate his Seat;—that some period should be prescribed, beyond which, no Legislative Councillor should be permitted to absent himself from his duties without incurring a similar forfeiture;—that of the whole Body, a decided majority should be persons exempt alike from any direct influence of the Executive Government, and from any dependence on the popular branch of the local Legislature;—and that the entire number of Legislative Councillors holding office at the pleasure of the Crown, should never be greater than might be necessary for the conduct of the business of the Government in that House.

"From this Address, and from your own Despatch transmitting it, it would appear that there is little conformity between these principles and the existing composition of the Legislative Council of New Brunswick. It is maintained in the Address, and it appears to be virtually acknowledged by yourself, that of the present Members, an unduly large proportion are holders of offices at the pleasure of the Crown;—that such official persons constitute a majority of the Members usually present at the meetings of the Legislative Council;—

and that there are some considerable Religious Denominations and social interests in the Province with which no Member of that Body has any immediate connexion. The absence of any provision for vacating the Seats of Members in the various cases already mentioned, is a fact which demands no proof.

"Under these circumstances, Her Majesty's Government have humbly submitted to the Queen their opinion that it would be proper to revise the Instruments by which the Legislative Council of New Brunswick is constituted. We have recommended that on that revision the number of Legislative Councillors should be increased to twenty one;—that of that number seven only should be persons holding office at the pleasure of the Crown, and that the Quorum should be fixed at eight. We have further advised Her Majesty that provision should be made for vacating the Seats of Members either in the case of Bankruptcy or Insolvency, or in any case where a Member should be a defaulter, or should be convicted of any of the crimes, which in the technical sense of the word are distinguished as infamous. To these Rules we have proposed that another should be added, for rendering void the seat of any Member absenting himself, whether with or without leave, after the lapse of a certain prescribed period.

"Thus far it has appeared to us that no practical difficulty would arise in giving effect to the views of the Assembly; but it may not be equally easy to adopt their suggestions as to the qualifications they desire that every unofficial Member of the Legislative Council should possess. To find fourteen gentlemen all at once able and willing to serve in that House, all independent in their fortunes, and all so connected with the Social and Christian Denominations of the inhabitants, as that no such interest or denomination shall be without some one Patron or Representative there, is a problem of which it may not be possible to discover any perfect solution. The utmost that can be promised or attempted is, that in the selection of Members, these recommendations will be borne in mind, and will be acted upon as far as may be found practicable.

"The House of Assembly further recommend that no Councillor should hold his Seat except so long as he may possess a certain Proprietary Qualification. To this recommendation the Queen has not been advised to accede. Her Majesty's Government have not thought it right that the Royal Prerogative of selecting Legislative Councillors, should now, for the first time, be narrowed by such a restriction, or that such a precedent should be established in opposition to the practice, which, during the last two centuries, has uniformly prevailed throughout the widely extended Colonial possessions of Great Britain.

"Such being the advice which the Ministers of the Crown

have tendered to the Queen, I have received Her Majesty's commands to instruct you to signify to the House of Assembly of New Brunswiek, that Her Majesty has been graciously pleased to approve and to adopt our recommendations; and that the necessary instruments for carrying them into effect, will be transmitted to you before the next Session of the General Assembly of the Province."

On the 10th Mr. Allen (Colonel) moved that a Committee be appointed, consisting of seven members, to prepare an Address to Sir Charles Metcalf, Governor General, expressive of the high sense entertained by the Representatives of the People of New Brunswick, for the Constitutional stand taken by His Excellency, in maintaining the Prerogative of the Crown in the recent memorable conflict with His Excellency's late advisers.

The resolution was sustained, and the Committee appointed consisted of Messrs. Allen, Partelow, Street, (J. A.), End, Brown, Barberie, Earle.* A hot discussion followed. Mr. L. A. Wilmot and Mr. Fisher defended the late advisers of the Governor General, and pronounced the conduct of His Excellency unauthorized by the new principles of Government. Unless from these two gentlemen, the motion met with scarcely any opposition.

On the 22nd February the Committee submitted a draft of the Address to be presented, which was agreed to—although the names on the division do not appear in the Journals; and as it refers to principles of the most vital importance in connection with the introduction of Responsible Government, it is copied with the hope that every sentence of it may be read and duly weighed, in order that the reader shall be prepared for an inversion by the same Legislative body, of those very principles, in precisely a parallel case, that occurred in New Brunswick in less than a year afterwards, viz: in the appointment of Mr. Reade to the office of Provincial Secretary, by the Lieutenant Governor—the circumstances of which will be explained hereafter.

"*The Humble Address of the House of Assembly of New Brunswick.*

"MAY IT PLEASE YOUR EXCELLENCY,—

"We, the Representatives of the People of New Brunswick, in Parliament assembled, deem it a duty we owe alike to Your

* With the exception perhaps of Mr. Brown, the whole cast of this Committee was strictly Conservative.

Excellency, and the loyal constituency of this Province, to express our high admiration of the Constitutional principles promulgated by Your Excellency in the recent memorable conflict with Your Excellency's late advisers.

"If this had occurred in a Colony unconnected with British North America, we might have abstained from a declaration of our sentiments; but considering ourselves as a portion of Your Excellency's Government, we cannot refrain from offering an assurance of our firm determination to uphold Your Excellency in maintaining the Prerogatives of the Crown, invaded, as we conceived them to have been, by the extraordinary claims of your late Council.

"We appreciate too highly the inestimable blessings we enjoy under our benign Government, where the rights and privileges of all are well known and defined, to disregard any attempt at infringement, whether it be aimed at the Crown or the People; and we therefore hesitate not to express our firm belief, that if the extravagant demands made upon Your Excellency had been granted, Monarchical Institutions on this Continent must soon have ceased to exist.

"We indulge the confident expectation, that the noble stand Your Excellency has taken, will meet the approbation of our Most Gracious and Beloved Queen, and that the loyal People of British North America will be found ever ready to rally round Her Majesty's Representative, in maintaining principles so conducive to the happiness of the subject, and the safety, honor and dignity of the Crown."

The City and County of Saint John were equally zealous in meddling with a matter for which there was no necessity—for the adoption of a course considered by every Reformer at the time, to be both impolitic and out of place. An Address, in terms no less fulsome than those of the House of Assembly, was drawn up and signed by the members of the Grand Jury of the County of Saint John; and another Address, of a like purport, was laid before the Common Council, and adopted.

An Address (signed by 1000 persons) was sent from the County of York, from which one passage is here copied, as an amusing instance of the crude ideas that were entertained at that day with respect to Responsible Government—"We "have witnessed with great interest the proceedings of the "Representatives of the People of New Brunswick, now "assembled in Provincial Parliament, on this momentous "question, and we cordially respond to the loyal and patriotic "sentiments embodied in this Address to Your Excellency "of the 27th February, instant, feeling as we do, to use their

" own emphatic language, that such a surrender of the Royal " Prerogative *as that sought for, would lead to the destruction of* " *monarchical institutions on this Continent.*"

The italics are made by the writer, on account of the amusement which the fear expressed affords.

It is necessary here to explain the cause that led to the difficulty between the Governor General and his Council, in order that a correct judgment may be formed of the whole affair. This explanation is also due in a Constitutional sense. Now that the principles contended for by the advisers of the then Governor General, are recognized as part of those fundamentally belonging to Responsible Government, there is no difficulty in pronouncing the conduct of His Excellency, as well as that of our House of Assembly for applauding it, as the result of obtuseness, or a misunderstanding of his duty. His Excellency had no right to stand aloof from his Council, when they were answerable to the people for his actions. His Excellency's interpretation of what he conceived to be the relative rights of himself and his Council, will be seen in a page or two over—an interpretation proved by time and experience to be both dogmatical and unsound.

Mr. Lafontaine, (Prime Minister,) in his declaration to the Canadian Assembly, said that he and his colleagues had avowedly taken office upon the principle of responsibility to the representatives of the people in Parliament, and with a full recognition on their parts of the following resolution which had been introduced into the Legislative Assembly on the 3rd September, 1843, with the knowledge and sanction of Her Majesty's Representative in Canada, and was to the following effect:—

" That the head of the Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign, is responsible to the Imperial authority alone, but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information of subordinate officers in the Province; and, that in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the people, thus affording a guarantee that the

well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated."

His advisers had lately understood that His Excellency had taken a widely different view of the position, duties, and responsibilities of the Executive Council, from that under which they accepted office, and through which they had been enabled to conduct the Parliamentary business of the Government, sustained by a large majority of the popular branch of the Legislature. Had the difference of opinion (they said) between His Excellency and themselves, and, as they had reason to believe, between His Excellency and the Parliament and people of Canada generally, been merely theoretical, the members of the late Executive Council might, and would, have felt it to be their duty to avoid any possibility of collision which might have a tendency to disturb the tranquil and amicable relations which apparently subsisted between the Executive Government and the Provincial Parliament. But that difference of opinion had led not merely to appointments to office against their advice, but to appointments and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by, and to a determination on the part of His Excellency to reserve for the expression of Her Majesty's pleasure thereon, a Bill introduced into the Provincial Parliament, with His Excellency's knowledge and consent, as a Government measure, without an opportunity being given to the members of the Executive Council to state the probability of such a reservation. They therefore felt themselves in the anomalous position of being, according to their own avowals and solemn public pledges, responsible for all the acts of the Executive Government to Parliament; and at the same time not only without the opportunity of offering advice respecting these Acts, but without the knowledge of their existence, until informed of them from private and unofficial sources.

This is the pith and marrow of the whole difficulty—although a detailed explanation would occupy half dozen pages more. In his reply the Governor General observes:—

"On Friday Mr. Lafontaine and Mr. Baldwin came to the Government House, and after some other matters of business, and some preliminary remarks as to the cause of their pro-

ceeding, demanded of the Governor General that he should agree to make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the lists of candidates should in every instance be laid before the Council; that they should recommend any others at discretion, and that the Governor General, in deciding after taking their advice, should not make any appointment prejudical to their influence. In other words, that the patronage of the Crown should be surrendered to the Council, for the purchase of Parliamentary support; for, if the demand did not mean that, it meant nothing, as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated.

"The Governor General replied that he would not make any such stipulation, and could not degrade the character of his office, nor violate his duty, by such a surrender of the Prerogative of the Crown.

"He appealed to the number of appointments made by him on the recommendation of the Council, or the members of it in their departmental capacity, and to instances in which he had abstained from conferring appointments on their opponents, as furnishing proofs of the great consideration which he had evinced towards the Council in the distribution of the patronage of the Crown.

"He at the same time objected, as he always had done, to the exclusive distribution of patronage with party views, and maintained that office ought, in every instance, to be given to the man best qualified to render efficient service to the State; and where there was no such pre-eminence, he asserted his right to exercise his discretion.

"He understood from Messrs. Lafontaine and Baldwin, that their continuance in office depended on his final decision with regard to their demand; and it was agreed that at the Council to be assembled next day, that subject should be fully discussed.

"He accordingly met the Council on Saturday, convinced that they would resign, as he could not recede from the resolution which he had formed, and the same subject became the principal topic of discussion.

"Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always aiming at the same purpose, which, in his opinion, if accomplished, would have been a virtual surrender into the hands of the Council of the Prerogative of the Crown; and on his uniformly replying to those propositions in the negative, his refusal was each time followed by "then we must resign," or words to that purport, from one or more of the Council.

"After the discussion of this question at so much length, being, as he has hitherto conceived, the one on which the

resignation of the Council rested, he is astonished at finding that it is now ascribed to an alleged difference of opinion on the Theory of Responsible Government."

At a subsequent date, in replying to an Address presented to him by "the Warden and Councillors of the Ottawa District," His Excellency said—

"But supposing the Executive Council to be supreme and "the Governor to be merely an instrument for putting the "sign manual to their dictations—which is the sort of Con- "stitution aimed at by a party—the authority of the Crown "would then be a nullity. The Council would usurp all the "Executive authority—all the prerogative of the distribution "of patronage. *The Executive Council would nominate the Legis- "lative Council*, and would wield all the powers of the House of "Assembly, whether they were the leaders or the servants of "that body. All the power and functions of the Government "would be monopolized by the Executive Council, or the "House of Assembly, as the case might be. In such a Consti- "tution where would be the Crown? Where the supremacy "of the Mother Country?"

The "prerogative" seems to have been the idea uppermost in His Excellency's mind at that time; and that the responsibility of appointing improper men to office devolved chiefly upon him. It is needless to say that at the present day under party government, His Excellency's views if carried out by a Governor General, would continually clash with those of his advisers. Since the full establishment of Responsible Government in Canada, the prerogative in the hands of the Governor General has rarely, if ever, been exercised in opposition to the wishes of his advisers. The principles of Sir Charles have been completely reversed in practice. Party government, as now understood, cannot well be conducted without party influences, a principle not disputed; and if Lord Monck were to act upon the rule laid down by his predecessor of 1843—if he undertook to exercise the prerogative by appointing, on his own responsibility, gentlemen to the Legislative Council, or to any other important position, whose antecedents were unfavourable to those of the dominant party, there would inevitably be collisions,—a revival of the bitter feuds and animosities of former days,—when, if Governors and their advisers quarrelled, it was seldom to the advantage of the latter;

—the Governor being all-powerful, and fully endowed with Colonial-Office authority, could afford to exercise a wayward control, or autocratically bear down all opposition. If he brought himself in antagonism with a misgoverned people, he fought his own battles, (like Sir Francis Bond Head,) and slayed his enemies, politically, regardless of his Council, or of public opinion. If a timid or irresolute man, he was not long in the Colony before he became ensnared in the meshes of crafty politicians, and was used, or abused, as it suited their purposes. There is no opportunity for any thing like this now. The position of a Governor General, or a Lieutenant Governor, is one of more dignity and respect. Like the Queen he is supposed to stand high above party—not required to intermeddle any more with party differences, whether at the Hustings, in Parliament, in the Newspapers, or in his Cabinet. He knows, or should know, that the responsibility of all his acts, is with his advisers. He is therefore no longer amenable to censure by the Press—nor liable to condemnation for a violation of principles. Public opinion is now opposed to abuse being directed towards an irresponsible party—although it is not objected that His Excellency's advisers shall be held strictly accountable for every mistake, or the smallest indifference to the public interests. And yet the Governor has the prerogative in his keeping now, as of old; and can (if determined to set up his opinion in opposition to that of his advisers) exercise it, as was the case in the Liquor Law difficulty, contrary to the wishes of his Council—for there is nothing written to prevent it—and it may be that this is sometimes done in minor matters of which the public know nothing. But if a great question has been discussed in both branches of the Legislature, and the voice of the country is decidedly in its favour, it is not presumed that the Queen's Representative in a Responsible Government Colony, would now exercise his veto privilege, and risk a collision; for the very act of such interference would render him a party man, as favouring one side to the prejudice of the other. In some cases the principle of non-interference has been so rigidly adhered to by the Queen's Representative, that in a neighbouring Province a wholesale slaughter of officials had been going on for a couple of years, without His Excellency's arm being once uplifted for the protection of "the innocents."

In this way has the vindictiveness of party been carried on without restraint, or even expostulation, by the head of the Government. Whether in such cases Executive interference would be judicious or not, the writer does not express an opinion.

In all matters Imperial the question of responsibility is changed. The Queen's Representative alone is the guardian of the Queen's honour, and the defender of her rights, whenever or wherever threatened, whether by the local authorities, or from without by foreign aggression. If an invasion of the country were attempted, the Lieutenant Governor has the individual authority to take steps to meet the danger, or in case of revolt, to adopt summary measures for its suppression; or if the Legislature passed an Act calculated to contravene an Imperial Statute, His Excellency withholds his assent, whatever may be the views of his Council, until he has conferred with the Home Government. The line, however, has been so distinctly marked of late years, that danger of a trespass upon the prerogative is no longer to be apprehended.

(1841.)

APPENDIX TO CHAPTER IV.

Presentation of a Service of Plate to Sir John Harvey.

On the 23rd March, 1841, a Committee from the House, and also one from the Legislative Council, waited on Sir John Harvey at Government House, to present him with an Address, expressive of the feelings of the Legislature, on account of his recall; and also to offer a testimonial of regard which was voted by the House, in acknowledgment of his services during his administration; to which His Excellency returned the following answer:—

Gentlemen,—Cheered and sustained by this Address, I shall be enabled to present myself with confidence to my Sovereign, and to render such an "account of my stewardship" as may satisfy Her Majesty's maternal heart, that Her anxious wishes for the happiness and prosperity of Her loyal subjects in New Brunswick have not been lost sight of by me, nor Her Majesty's delegated authority abused in my hands.

With regard to the munificent testimonial of your kind feelings towards

me, I can only say, that I am proud and happy in receiving it,—subject nevertheless to Her Majesty's approbation—as the memorial of a degree of Legislative harmony, which may have been equalled, but which can never have been exceeded.

For myself I feel that it is unnecessary for me to say more,—I am known to you, as you are to me,—and our sentiments of mutual esteem and good will cannot change; but for my family—for my children—and my children's children, I take upon myself to assure you, that my (and consequently *their*) connection with this noble Province, which the splendid memorial now presented to me is intended to commemorate, will be affectionately cherished in their grateful recollections, when the actors in the present scenes shall have passed away.

Government House, March 23, 1841.

A contrast to the above.

[In 1820 the House of Assembly of Nova Scotia passed a resolution to provide £1000 for the purchase of a Sword and Star, to be presented to the Lieutenant Governor (Earl of Dalhousie) on his elevation to the Governor Generalship of British North America. Instead of accepting this testimonial His Lordship read the "faithful Commons" a severe lecture, for their neglect of sundry duties, which he pointed out, during the Session then just closed.]

☞ Mr. Robert Shives [now Government Emigration Agent] started the *Amaranth* in Saint John—a monthly Magazine. Its typographical execution was excellent; and it contained the contributions of some of our best Provincial writers. It was discontinued after a few years.

Body of Napoleon.

The Boston Advertiser contains the following:—"The ship Calumet, Capt. Shreve, which arrived at this Port yesterday from Canton, left Saint Helena, October 21. On the 18th the ceremony of exhumation of the remains of Napoleon took place with great parade. The body, which on his death was embalmed by French chemists, was found in a state of complete preservation, the features being preserved. It will be remembered that Napoleon died May 5, 1821. The body was conveyed on board the Belle Poule, which, with the Favourite, sailed for France on the 19th. These ships sailed from France July 7, and arrived at Saint Helena October 8.

☞ Mr. Russel the celebrated English Vocalist arrived in Saint John in December, and gave a series of Concerts at the Saint John Hotel, which were numerously and fashionably attended.

☞ Agreeably to a General Order, dated Fredericton, 20th January 1841, the Staff and Department Officers in this Province and Nova Scotia, are to wear crape on their left arms for a period of ten days, in token of respect for the memory of Lieut. Colonel Snodgrass, late Deputy Quartermaster and Adjutant General.

Crime and Police in Saint John in 1841.

So insecure were life and property considered at this time, that a Petition to go before the Legislature, was drawn up by the Grand Jury of the County, which was most numerously signed by the citizens, in which it was set forth,—

"That the attention of the several Grand Juries for this City and County,

during the past year, has been called to the state of the Police, and the administration of justice in the City of Saint John, and various presentments and representations have been made on the subject—but the present Grand Jury, appalled at the daring outrages, the frequent nightly attacks, and the very great increase of crime of every description, in this City and its vicinity, felt themselves imperatively called upon, from the alarming aspect of affairs, to state matters in their true colors; and express the feelings of an indignant and outraged community upon the subject. They have presented the existing City Police establishments, coupled with its administration, as a nuisance; and all your Petitioners fully concur in that opinion, and unite in bringing their evils under the notice of your Honorable Body, and praying for an immediate remedy.

"The want of a respectable Police establishment in this City, and the careless manner in which the laws are attempted to be enforced, the few prosecutions for offences, and the yet fewer punishments which have followed, have for some time amounted to almost perfect immunity for crime. The City of Saint John and the adjoining Parish of Portland have thus become the resort of great numbers of desperate and abandoned characters, who have fled from the terrors of the law in other places, but who here pursue their career of crime with safety and impunity. Thus aggravated assaults, desperate riots, and extensive robberies, are becoming not unfrequent occurrences, while but few offenders are brought to punishment. Numerous cases of child-murder have come within the cognizance of the Coroner of late, but not a single detection or prosecution has followed, solely from the want of an efficient Police under active Magistrates, who would ferret out and secure the guilty parties.

"Your Petitioners are fully impressed with the belief that if this state of things is allowed much longer to exist, the safety and welfare of this community will be at end. Already the propriety of carrying deadly weapons is gravely discussed, as the only remaining protection against the street attacks, which are becoming so frequent, from the numbers of profligate characters of both sexes, who are allowed to infest the streets and highways, both by day and night."

The remedy proposed in the petition was the establishment of an efficient Police force, with a Stipendiary Magistrate. It was not until some years after this that a change for the better was effected. The Aldermen of the respective Wards being disinclined to alter the old system, the Common Council sent up a petition in opposition to that of the Grand Jury.

☞ *The Saint John Sacred Music Society* (S. K. Foster, Esq., President,) was in full vigour at this time, possessing musical talents of a high order. The Concerts were exceedingly popular—the audiences large and highly respectable. There has never been such a talented organization since; and it is a great pity that the Society has not been continued to the present day. The Concerts were held on the old National School premises, north side of King Square. This Society donated the Mechanics' Institute £10.

A curious "provision" for the Table!

In the introduction to this work reference is made to the days of Political Harmony, during the latter part of Sir John Harvey's Administration. As the matter contained in the body of the work does not commence until 1842, it may be stated, under this Appendix head, that in 1840 it appears that £500 additional to the Lieutenant Governor's salary was voted by the House—the resolution was sent to England for ratification, and despatches in reference to this and other subjects were laid before the House in January, 1841. The following, in reference to the Governor, is taken from the Fredericton *Sentinel*—the most curious part of it is that italicised:—

"The despatch authorizing the acceptance of the vote of £500 to the

Lieutenant Governor *for Table Money*, contains the expression of a hope, that as the Legislature must be satisfied with the inadequacy of His Excellency's former salary, the same allowance will be continued to his successor."

Alms House.

A Bill for the erection of an Alms House for Saint John [the building now standing] passed the House of Assembly 15th February.

☞ At the annual meeting of the Stockholders of the *New Brunswick Fire Insurance Company*, held on Monday the 1st instant, the following gentlemen were elected Directors of that Institution for the current year:—Messrs. Dr. John Boyd, John Hammond, R. F. Hazen, Wm. Jarvis, John Kinnear, A. S. Perkins, R. M. Jarvis, G. T. Ray, N. Merritt, Mark Dole, Robert Keltie, D. J. M'Laughlin, Henry Chubb. And at a meeting of the Directors, held subsequently, Dr. Boyd was re-elected President.

All since dead but three.

☞ On the 27th March, there were on the stocks at Carleton, Straight Shore, Portland, and Back Shore, 28 vessels in the course of construction.

Fire and Loss of Life.

A fire broke out in Prince William Street (Saint John) on Saint Patrick's eve, in a rear building, situate between Church and Princess Streets, by which eight buildings were destroyed and four lives lost. Among the deaths was that of Mr. Matthew Holdsworth, of the Firm of Holdsworth & Daniel, who occupied the stone store of Mr. John Walker, immediately opposite the scene of conflagration, and which was connected with Mr. Walker's brick store fronting on Water Street. In proceeding to examine the scuttle on the roof, Mr. H. accidentally stepped into the hatchway in the third story of Mr. Walker's store, and fell to the ground floor, through the other hatchways, a distance of about thirty feet, by which he was so severely bruised, that he survived the fall only a few minutes. Mr. Holdsworth was much respected in the community, and his sudden death was very generally lamented.

☞ The Hon. Neville Parker made a donation of ten pounds to the Mechanics' Institute of Saint John. Highly spoken of at the time.

CHAPTER V.

A miscalculation as to consequences—The result thereof—Mr. Hill's Resolutions—The Conservative power still firm—Petitions in favour of High Protection—The Provincial Association—Officers elected in St. John—Report of Committee in favour of Bounties—Statistics in regard to the Fisheries—Libel by Doak & Hill—"Breach of Privilege"—Action of Judge Carter, in opposition to the House—Report of the Privilege Committee—The House fails to maintain its supposed rights—Doak & Hill afterwards sues the Speaker, and recover heavy damages—Erection of New Brunswick into a distinct Bishoprick—Discussion with respect to the Endowment Fund of £25,000.

It will be conceded, it is believed, from the foregoing explanation of facts, that the action of our Legislature, and of other public bodies, in reference to the stand taken by Sir Charles Metcalf in 1843, as shewn by the light of a more advanced age, was ill-advised, and not compatible with the dictates of prudence. But by pursuing this favourable course towards the Governor General, our Conservatives were unwittingly baiting a trap by which they were afterwards ensnared themselves. The principles enunciated by His Excellency in his reference to the disruption, and in his address to the "men of Gore," had to be accepted not in part but as a whole, by the House of Assembly—for it was upon the abstract ground of His Excellency's sole right to exercise the prerogative that the congratulatory address was conceived. In his reply His Excellency made liberal concessions to the popular will, such as had up to that time been strenuously opposed by a majority of our Assembly. Among these concessions was the principle that the Government should hold office only so long as they could command the support of the House; failing in this, it became a Constitutional neces-

sity that they should resign, and allow a new Government to be formed. While the New Brunswick Reformers were unwilling to accept the Governor General's definition of the prerogative, they were glad to find enough of their principles admitted to justify the belief that all that had ever been contended for, would in due time be fully obtained. For the present therefore it would be well to have fastened upon the House whatever the Governor General conceded, as a recognition by the majority, that Responsible Government, after all, had something in it to recommend it. The result of this endeavour on the part of the Reformers, was a sort of compromise between the contending parties—a result brought about by fortuitous circumstances,—by an accident on the one side and a blunder on the other. Accordingly, on the 21st February, Mr. Hill submitted the following resolution :—

"*Resolved*, That this House view with much satisfaction the recognition and exposition by His Excellency the Governor General, of the recently established system of Colonial Responsible Government, as contained in His Excellency's late reply to the Address of the Warden and Councillors of the Gore District in Canada West."

This piece of strategy on the part of Mr. Hill led to the committal of nearly the whole House to the leading principles of reform. A correspondent addressing the writer, under date Fredericton, February 26, thus remarked upon the proceeding : "Each party seems to claim a sort of triumph. The "movers of the address in having carried it, and its opposers "in having carried the principle of Responsible Government, "through Mr. Hill's resolution, which passed immediately "after the passing of the address. The scene on the latter "occasion was rather amusing; you will recollect that the "resolution is founded on the "principle," as recognized by "the Governor General in his answer to the address from "Gore. This last document is highly satisfactory to the "liberals, and hence their satisfaction ; five of the *ultras* who "did not understand that the resolution was an approval of the "Governor General's own admissions, voted against it, and "brought themselves into the serious predicament of approving and opposing His Excellency in the same breath. They "wished to withdraw their votes next morning ; one of them "assigning as a cause that he had not heard the resolution "distinctly, but that in voting he had watched his friends and

"got on his legs along with them. They wished to expunge "their vote from the Journals, but the others would not per- "mit them. They were, however, allowed to come over in a "private way."

[Further reference will be made to this subject in future pages, when the action of the House against Doak & Hill for libel, comes to be noticed.]

But after all, the game was still in the hands of the Government, and they could play their cards at pleasure for years longer, without fear of disturbance, no matter to what they had assented, or how unpopular they might become with the majority of the Assembly. Their mere assent they knew did not fix them to any particular line of conduct. They were still the same in principles—still opposed in heart to any reformation calculated to interfere with their possession of place and power.*

Petitions now poured into the House from all quarters, praying that protective duties might be levied upon the importation of such articles as could be manufactured in the Province. The hatter, the tanner, the shoemaker, the iron-founder, the farmer, all had their grievances, and it was required that the tariff should be shaped to protect these and all other interests which foreign competition had most seriously injured. In those days of tariff restrictions there was an Imperial duty of 30 per cent. on most foreign importations, besides the Colonial duty, in some cases amounting to 7½ and 10 per cent, collected under the same Customs' roof; which, taken altogether, was considered by the free trade school to be quite protection enough—whilst the protectionists, on the other hand, considered that the soul and body of the operative could only be held together by interdicting every thing coming into the Province which could be made in it. In answer to the remarks of an hon. gentleman, who wished to have the Provincial duty advanced from 7½ to 10 per cent. on boots and shoes, (the

* In Nova Scotia (the two parties being pretty evenly balanced, the Conservatives having a majority of two) a resolution was offered by Hon. Mr. Howe, committing the House to so much of Sir Charles Metcalf's answer to the "men of Gore," as favoured their views in the abstract of Responsible Government, and every Conservative not being in his place, the resolution was carried by a bare majority. Next day the Attorney General of Nova Scotia having all his forces mustered, moved for a reconsideration of the whole subject, with a view of having the resolution so far amended as to have placed on the Journals the whole answer of the Governor General, and not a mere extract from it. The motion was sustained, and the decision of the previous day was accordingly reversed.

Imperial duty being already 30 per cent.) Mr. Hill, member for Charlotte, said that good boots and shoes could be imported into this Province from the United States, and sold for three dollars or three and a half dollars a pair, while the price of boots manufactured in the Province was from six to seven dollars. The stock used in American boots and shoes was as good as that used in this Province, and he did not see why the shoemakers here could not compete with the foreigner; bark was scarce in the United States, whereas it was plenty in this country. There they had no hemlock bark—except in one or two of the Northern States—and oak timber was so valuable that they did not like to strip it for the bark alone. He thought the protection afforded by the Imperial tariff was sufficient. This Province, he said, ought to follow the example of the Parent State, but while the Imperial Government was taking duties off, this House seemed intent on putting duties on. A great anxiety (said Mr. Hill) was manifested by hon. members to copy Great Britain in other things, but why not copy her in this? We copy her vices and reject her virtues—like savages when they come in contact with civilization. It seemed to be a fixed determination of the House to raise a large revenue this year [1844]. A few years ago when the casual and territorial revenue was placed in the hands of the Legislature, (said Mr. Hill,) a large sum which had accumulated fell into their possession, but what was done with it? It was all gone, and very little to show for it, the greater part having been squandered away. After suffering greatly in consequence, the moment trade was beginning to revive, and there was a probability that they could, by proper management, get out of their difficulty, the same spirit was manifested, and he could perceive the same deep game was about to be played over again.

The gist of the whole debate in opposition to a high protective tariff, is contained in the above remarks. But the arguments of the protectionists in favour of their hobby, were most captivating with the working people, whose impression was that they alone were to suffer or be benefited by legislative interference. Besides this, the protectionists in the House were influentially supported in their views by the Conservatives—for, in those days Conservatism and "high protection" went hand in hand, while the principles

of free trade and radicalism were accounted as one and indivisible. Again, high duties had a charm to those who had the spending of the revenues, inasmuch as they were productive of more means for doing good, or evil, as the case may seem. Perhaps at no former period had there been more out-door *protective* pressure brought to bear upon the Legislature than during this Session. It was not only every man "who had an axe to grind," but he who dealt in hides, in the manufacture of boots, of hats, of boilers, of chairs, of agricultural implements, &c. &c., felt that he could not breathe freely unless the principles of the Association with which he had recently connected himself, were fully recognized and acted upon by the Provincial Legislature.

The Association, just referred to, was organized in Saint John at the beginning of the year 1844, and was called "THE PROVINCIAL ASSOCIATION"—the object or demand of which was Legislative *protection to the Manufacturing and Agricultural interests of the country.* It had branches in all parts of the Province; and its members comprised many persons of the first respectability and influence. Its meetings were held openly in Saint John at the Mechanics' Institute, attended by crowded audiences, and addressed by some of the best speakers of the day. The newspapers teemed with reports of the speeches, more so than if those speeches had been delivered in the Provincial Parliament; and papers outside of the Province made lengthy extracts from them. The following passage from one of these speeches will convey an idea of the arguments employed in reference to the farmer, and which may not be inapplicable to his case at the present day:—

"People talk of this not being an agricultural country—why, Mr. President, the fault is not in the country, it is in the people! They talk of the climate not being calculated to produce bread stuffs, and many other articles, in perfection.—How is it, that in the State of Maine—merely separated from this Province by an imaginary line—under a climate too, precisely like our own, they thrive, and grow rich, have enough of everything, and to spare, the people being comparatively affluent and living at their ease, while we are steeped in poverty—in a state of bankruptcy? How? Because there the right kind of influences are always at work; and because, too, the people labour and till their soil. They don't stand with their hands in their pockets, and sing out—'Oh, the climate!' How is it, that even in this Province,

one man can raise an abundance of wheat, and another man none at all? How is it that on one side of the fence we behold a beautifully cultivated farm, and on the other, the land like a barren waste, (no difference of climate here!)—How happens all this, Mr. President? Simply because one man cultivates his farm, while his immediate neighbour neglects that important duty! There is the secret of it! Let the lazy man jump over the fence, change positions, and *that will change the climate.*"

The following is a list of the first officers of the Provincial Association elected in St. John on the 18th January :—

President—John Owens, Esq.

Vice-Presidents—Mr. Robt. Robertson, Mr. R. D. Wilmot.

Secretary—M. H. Perley, Esq.

Treasurer—Mr. Thomas Gilbert, Jr.

Committee.—Walker Tisdale, Farmer; Edward L. Jarvis, Merchant; Robt. Keltie, Brewer; Wm. A. Robertson, Tailor; Thomas Allan, Founder; Wm. W. Emslie, Cordwainer; Barzilla Ansley, Tanner; Andrew Scott, Tallow Chandler; Jacob Myers, Pail Maker; Joseph Lawrence, Cabinet Maker; John J. Munro, Carpenter; John M'Lardy, Baker; John Kinney, Fisherman; Wm. F. Smith, Mason; John Gillies, Farmer; John R. Marshall, Blacksmith; Robertson Bayard, Barrister; John B. Gaynor, Blockmaker; James Dunn, Farmer; Chas. Adams, Shipwright; John Berryman, Baker; James Moran, Farmer; Thomas Trafton, Farmer; Michael Thompson, Painter; Wm. O. Smith, Druggist; John W. M'Leod, Flour Dealer.

The principal object in publishing this list is to give the reader an idea of the material of which the organization was composed, embracing on the Committee in some instances apparently diverse representative interests—for the lawyers and the druggists certainly could have had no direct sympathy with the boot-maker and the tanner, on the ground of political economy—of selling in the dearest markets and purchasing in the cheapest. But the presumption is that all alike—those who had interests to be subserved as well as those who had not—were actuated by a single motive, viz: the advancement of the country through the agency of the Legislature, by the imposition of restrictive duties. However lively the free trade spirit of the present day, which is essentially British, it will be conceded that the Provincial Association was at that time a most formidable power, as regarded numbers and influential members, and well calculated to have a

beneficial or withering influence upon the action of the Legislature. And just so it turned out. During the discussion of the tariff, which was continued for a week, the lobby of the House was filled with representative men from almost every branch of manufactures, in all parts of the Province, delegated by the different branch associations to convince hon. members behind the scenes that there was only one way by which the Province could be saved from impending Bankruptcy, and that was by building a partition between the operatives of this Province and those of the United States. The smuggler was thought to be dead; or he could be watched after this Chinese wall had been erected. A correspondent writing from Fredericton, under date February 15, thus refers to the discordant sentiments entertained in the House:—"The subject of "protective duties has been discussed during the whole course "of the day, and judging from *appearances* there is little "*appearance* of a union of sentiments on the subject; some "are in favour of duties, which others maintain would amount "to a prohibition—and those others in return seem to think "that freedom is the whole life of trade—and that a high "scale of duties would be ruinous. The former opinion finds "ultra advocates in Messrs. Gilbert and End, and the "latter is stoutly advocated by your own member, Hon. Mr. "Simonds. I believe his honor the Speaker occupies about "a central position. Mr. L. A. Wilmot spoke at consider-"able length in favour of *protection*, and was followed by Mr. "Brown who uses only the more moderate word *encouragement*."

On the 2nd instant, the Committee on Fisheries reported that they had under consideration the Report of a Special Committee of the Provincial Association, recommending Bounties on vessels employed in the Cod and Scale Fisheries; also on the catch in open boats engaged in the shore Fisheries. The same Committee also recommended a Bounty on the catch of Mackerel and Herrings, per barrel, according to quality. They also earnestly recommended that, in order to carry out the system of Bounties effectually, and to raise the character of the Fish of New Brunswick in Foreign Ports, it would be absolutely necessary to frame a new inspection department with a chief inspector.

Mr. Payne of Saint John, delivered a lengthy and most

valuable speech in the course of the debate—the gist of which is here given, or rather the statistical facts, as they are interesting even at the present day. From 1816 to 1832, there was a law annually appropriating £3000 by way of bounties to the fisheries; about £1400 per annum was the average amount drawn under that law for the first eleven years. In 1824 the provisions of the Act were extended to Nova Scotia, but in 1833 the law authorizing bounties was suffered to expire. It had been urged that strangers obtained a part of this bounty; but corresponding advantages accrued to the revenue.—This Bill confined the bounties to vessels owned and registered in the Province, with other provisions for obtaining the greatest possible amount of good from the liberality of the Legislature. There was a number of petitions before the House signed by practical fishermen, urging strongly their claims for protection and moderate encouragement; these were supported by petitions from merchants, traders, and others, and also a petition from the Provincial Association, with a Report from the Committee on Fisheries,—one of the most useful and practical documents that had emanated from that body. It was urged that the reason why this trade had declined, was the high rate of wages that had been given in the ship-yards, from about the time the law expired until 1841, though in 1844 they were reduced to two shillings per diem or thereabouts, and consequently there was no longer the same inducement to neglect a pursuit by which individuals had made fortunes. The business had formerly been carried on by Messrs. Wards, Barlows, Crookshank and Johnston, and others, with great advantage to themselves and the country. What was the state of those fisheries in 1844? there was at least 300 sail of American vessels in the Bay of Fundy the year before, and 169,000 barrels of herring had been shipped from the United States; a great part of which were caught in the Bay of Fundy. They encouraged their fisheries by liberal bounties. In 1830 Nova Scotia caught 19,000 barrels of mackerel; in 1842 it had increased to 54,000, and in 1843 to 75,000 barrels, worth ten dollars per barrel in the United States market. From the scarcity of dry fish at Saint John in 1843, two merchants in fitting out a vessel for a southern voyage, could not obtain more than 600 quintals, although they were some weeks looking out for them. Many

of the stores were unoccupied, vessels lying idle at the wharves, and persons walking about the streets unemployed, who might, it was said, be beneficially engaged in the fisheries.

On the 26th February a resolution was submitted to the House by Mr. Allen,—in consequence of an article that had appeared in the "*Loyalist*" Newspaper, censuring in unbecoming language one of the members (L. A. Wilmot) for having expressed himself in opposition to the Address of the House to Sir Charles Metcalf on a former day,—with a view on the part of the mover of having the publishers (Messrs. Doak & Hill) brought to the Bar of the House, on a charge of "breach of privilege." [This attack will be seen in the APPENDIX.] Mr. J. A. Street moved as an amendment, that the article in question was too contemptible, and beneath the dignity of the House to waste time upon. The amendment was lost and the original motion sustained. The House sat with closed doors for some hours. After the opening, Messrs. Doak & Hill were taken into custody on the Speaker's Warrant and committed to prison.

Out of this simple affair grew quite an excitement; and the authority of the House and that of the "Bench" were brought into collision. Shortly after the committal of the accused, they addressed Mr. Justice Carter, through their Counsel, D. S. Kerr, Esquire, and the consequence was, that by an order of the Judge—perhaps with the concurrence of his associates—they were released. After their release they made straightway for the House, as if to show themselves in defiance of the Speaker's authority; and in an hour or two issued a slip from their office, not only backing up the former libel, but breathing fire and vengeance, and challenging the House of Assembly, in most defiant terms, to do their utmost. These slips, on finding their way upon the desks of hon. members, were like so many pieces of lighted cartridge paper falling upon so many boxes of powder—an explosion of wrath immediately followed. The whole House was convulsed with nervous excitement. The standing order was enforced, the galleries were cleared, and members at once proceeded to deliberate as to the best mode of maintaining the privileges belonging and appertaining to them—that is, if the House, after the fiat of Judge Carter, had any privileges left to protect. The Sheriff was sent for and asked by whose

authority the prisoners had been discharged. When answered, by Judge Carter's authority, the whole matter was submitted to the Committee of Privileges to report upon. On the 26th March the Committee handed in their Report, (it may be found commenced on page 231, Journals for 1844,) which would occupy about four columns of an ordinary size newspaper. It is an able document, shewing numerous precedents and practices in other countries, under analogous circumstances. The following case will suffice, out of numerous others, all equally favourable to the course taken by the House:—" Sir Francis Burdett, in 1811, and then a Member of the House of Commons, published, in Cobbett's Weekly Register, a Letter, which was voted a libel on the House and a breach of its privileges. The Commons accordingly ordered the Speaker, the Right Honorable Charles Abbot, to issue his Warrant for the arrest of Sir Francis, upon which he was arrested and committed to the Tower. Sir Francis brought an action against the Speaker, in whose favor judgment was given by the whole Court. *See Burdett* vs. *Abbot*, 14 *East's Reports.*"

The Report concluded as follows:—

" The Committee find no case, either in Colonial or Metropolitan Parliamentary History, of the discharge by *Habeas Corpus*, of a person committed for contempt of privilege of Parliament.

" Freedom of speech, and privilege from arrest, and indeed all the privileges of the House, rest upon no better foundation than the one in question, and are equally liable to be swept away at the pleasure of any one who may choose to assail them. A silent submission to have these privileges questioned, as they have been in the present case, is to render them useless, unavailing, and contemptible.

" The Committee cannot refrain from remarking, that a decent regard for the privileges of the Legislature, and for the exercise of a power, always acquiesced in by the country, and never before challenged from any quarter, would seem to forbid that the case should have been so hastily decided upon by a single Judge, unadvised, as it is believed, by his associates, and upon an ex-parte hearing. They believe the discharge of the prisoners under Habeas Corpus to be without precedent, (except the Newfoundland case be one, which is more than doubtful,) and they cannot but consider it as treating a privilege of the House, always exercised and never before disputed, with a degree of haste and inconsideration not in any way called for by the exigency of the case.

"The Committee, on mature consideration, do not entertain a doubt of the right of the House to commit for contempts, perpetrated as well without as within its walls; and that this power is essential to the independent exercise of its paramount duties; that it rests upon the foundation of public policy, as well as long usage, and ought not now to be called in question; and your Committee regret that the individual views of Mr. Justice Carter, conflicting, as in this instance they do, with the opinions of all the Judges of Her Majesty's North American Colonies, who have been called upon to adjudicate on similar questions, should have induced him to interpose, thus summarily, in relief of the avowed perpetrators of so atrocious a libel, especially as his forbearance could not affect the ulterior remedy of the parties accused, should a Jury of the country deem them worthy of damages.

"The Committee having thus fully submitted their views to the House, leave the case to be dealt with as best becomes its dignity, its rights, and its duties."

This Report was sustained 22 to 6, and resolutions approving the principles therein contained were carried. During the discussion all sorts of opinions were advanced on the question of privilege. For several hours there was a confusion of tongues, such a noise, remarked a correspondent at the time, as had never been heard since the uproar among the workmen in rearing the walls of Babel. Some honorable members thought the House had great privileges; some, that it had scarcely any; while others, that it had none at all. In short, the dignity of the House was, for the time, prostituted to the prejudice of party. Mr. End said that he would like the conduct of the Judge to be represented at home. Mr. J. A. Street did not believe that the House had the privileges they claimed; if he thought so, he would imprison the Judge for interfering. The matter, however, ended as before stated, in the Report of the Committee being accepted by a large majority, and the House adopted resolutions expressive of their determination to guard their privileges in the future—which privileges, of whatsoever nature, are left as vague and undetermined by the vacillating course of the Assembly, as if they were mere Parliamentary rules, subject to be changed or twisted about according to the caprice of the party in power.

In voting pay to the Reporters, who had been in attendance during the Session, the sum of fifty pounds was also voted to Messrs. Doak & Hill for *their* services. Nor was this all. Messrs. Doak & Hill afterwards entered a prosecution against

the House for "false imprisonment," and recovered damages amounting to upwards of £200. Here is a precedent (if it may be taken as such) to show that the House of Assembly have no extra-judicial powers. So much for having failed to set aside the decision of a single Judge, and thereby establish their own authority. Imagine John Wilkes being committed to the Tower upon a warrant of the Speaker of the House of Commons, and Lord Mansfield immediately interposing in behalf of the recalcitrant member, even to his liberation; and the reader has a precisely parallel case to the one now under consideration. A few years prior to the Doak & Hill libel, the late Mr. Pierce, for having made a few very harmless remarks in the *Miramichi Gleaner*, was summoned all the way from his home in the dead of winter, reprimanded at the bar of the House, and imprisoned in the County Gaol for the remainder of the Session. Under much more aggravating circumstances, the House of Assembly failed to see their duties—or if visible at all to them, were overmatched by a single influential individual, while the assailants triumphed in the pocketing of large penalties.

In accounting for this extraordinary state of things, the strong presumption at the time was, that had the party libelled been more in political accord with the majority of members than Mr. Wilmot was known to be, the House would have shown more determination to maintain their dignity. It was supposed that there was an innate feeling of satisfaction felt, but not betrayed, by the most influential members of one political party, when the attack upon the leading Liberal appeared in the *Loyalist*. Hence, for the sake of a party triumph, members were willing to eat humble pie, and submit to the insult that was put upon them.

Had Mr. Street's amendment been adopted, the dignity of the House would have been preserved, and its humiliation prevented. Failing to treat the libellers in the manner that would have answered, the House should have known exactly their rights and privileges before resolving themselves into a Court of Judicature—certainly honorable members should have known in time how far their privileges extended, and having a full knowledge of them, they should have imprisoned the Judge, had they the power, and not allowed a single individual to over-ride their proceedings and turn them

into ridicule. The logical deduction from all this is, the House exceeded their powers in committing Doak & Hill to prison, and Judge Carter was right in restoring them to liberty immediately afterwards.

On the 28th February the following Message from His Excellency was laid before the House of Assembly—also before the Legislative Council :—" The Lieutenant Governor " informs the House that it is in the contemplation of Her " Majesty's Government to erect the Province into a separate " Diocese, and appoint a Bishop to it, on the completion of an " adequate endowment; and that a fund of £25,000, sterling, " having been raised with this object, to secure investment " of which is indispensable; he recommends to the Legis- " lature that the fund may be received as an investment on " the public security of the Province, whereby the early " accomplishment of the measure will be facilitated."

When this subject was under discussion at a subsequent date, the friends of the " endowment" considered it would be bad policy to have the amount in any way fixed upon the Statute Book, for the time might come when future generations would construe the payment of the interest on the " Bishop Fund," as an unjust draft upon the Treasury, altogether losing sight of the original agreement, and the legality of the obligation. In a word, it might be regarded by nonconformists as a recognition of an established Church, and thought that the funds of the country were used for that purpose. This advice of the friends of the Church was taken, and the money not accepted.

CHAPTER VI.

The Province in a state of Bankruptcy—Bankrupt Laws—Resolutions respecting composition of Legislative Council—Leprosy in the County of Gloucester—Violence and fatal effects of the disease—Money voted for the Great Roads of the Province—King's College—Riots in Northumberland—Debt of Province.

Petitions were now being sent in from day to day, from various parts of the Province, for a repeal of the Bankrupt Law, which had been in existence about one year. The discussion upon this Act brought to light facts which exhibited the country to be in any thing but a solvent state in 1844, if the number of those who took advantage of the Act may be taken as a criterion. According to one of the speeches made in the course of the debate, upwards of twelve thousand pounds had been expended by Bankrupts, or their friends, in getting through the Court. Most of this amount, it was complained, had gone into the pockets of Commissioners, Publishers, and other third parties, while the creditors only came in for what was left, about a fourth of the whole amount so expended. The *Royal Gazette* and the Saint John *Courier*, were weekly filled (the latter paper containing about seven columns) with declarations of Bankrupts, published by order of the Commissioner. The number of insolvent cases, it was stated, amounted within one year to 339—out of this 281 had obtained fiats; but of all the applicants only 21 (notwithstanding the expenses) had succeeded in securing their final certificates. The expense to an individual in his endeavours to get through the Court was about £40, not one copper of

which went into the creditor's pocket, and in most cases, as above seen, this money was expended without the Bankrupt getting through the Court. Another honorable member stated that upwards of £60, in several instances, had been expended for the same object; and a case occurred in which a property, which would have paid 10s. in the pound, was, through legal subterfuges, locked up, and finally paid only 6s. 8d. The expenses of assignees in this case amounted to 9 per cent. In many instances (it was alleged) the Bankrupt Courts took all the man was worth, and left nothing for the creditor. The following extracts from the Petition sent from Saint John (containing over 300 signatures) will show the unrighteousness of the Act:—

"That the vast majority of Bankruptcies which have occurred within the knowledge of your Petitioners, are in cases where the parties have wasted their property, either by the ruinous and demoralizing system of securing others who have been in the habit of interchanging their names with the debtor, by endorsements for mutual accommodation and in other improper preferences, or expending large sums of money in litigation, and defending suits at Law brought by their creditors for the recovery of their just debts; and that instances rarely occur in which the property of the Bankrupt is sufficient to defray the expense of the proceedings.

"That it is well known that many persons, although guilty of such conduct as would wholly destroy their credit and reputation as Merchants, have availed themselves of the benefit of the Bankrupt Laws, and by means of the great facilities afforded by the existing enactments, become discharged from their liabilities, thereby making Bankruptcy a protection from the punishment due to dishonorable conduct, instead of being a shield to the honest but unfortunate debtor."

The Committee to whom the subject was referred, submitted a report unfavorable to the continuance of the Act. The various reasons assigned it is not necessary here to repeat. Had they been used when the measure was before the House, only twelve months before, there would have been some sense shewn—perhaps served as a *preventative*, instead of now as a *cure* for the mischief occasioned by the law. The tenor of the Report certainly betokened a great want of forecast in the supporters of the Bankrupt Bill in 1843, or they would not in 1844 have laid such violent hands upon their previous year's work. Strange to say, when the subject of the repeal

of the Bankrupt Act came up on the 29th February, there were but six dissentient voices—the members on the division stood 22 to 6.*

The friends of the Act in and out of the House considered it highly impolitic to destroy it, after only one year's trial—that it had defects was freely admitted, but these were capable of amendment; and as the country required a safe Bankrupt Law, that would subserve the interests of creditors as well as debtors, the Act should be put into a shape that would be generally acceptable to business men. It was considered that it would be hard to keep an active man flat upon his back, with his hands tied, and not be able to make himself a living. By amending the Act the debtor would be the gainer, while the creditor's chance of getting his own would be enhanced —the former, because he would have an opportunity to retrieve his position; and the latter, because his prospects would be augmented in the same ratio.†

On the 29th March Mr. Fisher submitted his resolutions relative to the composition of the Legislative Council. The first was to thank Her Majesty for recognizing the principles laid down in the Assembly's Address to the Throne the year before—to the effect that the Council was made up of members of one religious denomination, almost to the entire exclusion of all others. This resolution was carried 17 to 12.

The second resolution was expressive of regret and disappointment that the Executive Government in the recent changes made in the Legislative Council, had not given effect to the despatches of the Colonial Secretary, who had concurred with the House in the grievances complained of. This was lost—22 to 7. For the first time on an important reform question the names of Mr. L. A. Wilmot and Mr. C. Fisher do not appear on the same side. Mr. Wilmot, however, was now a member of the Government, and could not very well

* The Council near the end of the Session returned the Bill with amendments so numerous, that the whole face of the Act was materially altered, and the House did not take, or find time, to reconsider the subject—and so the Act continued for a time longer on the Statute Book.

† New Brunswick has been somewhat famous for her Bankrupt Law policy. At a subsequent date another Law (originated by Mr. Chandler, now Judge,) found a place upon the Statute Book, which in a year or so afterwards was also unceremoniously swept away; since then a Commission was appointed to prepare another Bankrupt Bill, but its Report was never acted upon. At the present day (1867) we are without a Bankrupt Law.

vote against an Act which, as a member of the Government, he was bound to stand by.

The third resolution was as follows:—"Resolved, as the "opinion of this Committee, That the House should express "their opinion that the assurance of Lord Stanley,—'to bear "in mind, in the selection of Legislative Councillors, the "leading interests of the Province, as well as the principal "Denominations of Christians,'—as prayed for by the Ad- "dress of the House, has, in the recent changes, been entirely "overlooked by the Executive Government, and the just "expectations of the great and influential Denomination of "Christians, now either too partially represented or alto- "gether unrepresented in that House, have been greatly "disappointed."

To this an amendment was proposed—to substitute the following:—"And further Resolved, as the opinion of this "Committee, That this House ought not to refrain from "expressing its surprise and regret that while several Gen- "tlemen have been displaced, or been induced to retire from "the Legislative Council, from the embarrassment of their "affairs, others in the same situation have been allowed to "remain, although their pecuniary embarrassments were "equally notorious and well known; and also, that while "others have been removed from the circumstance of hold- "ing situations under the Crown, they have been replaced "by persons holding situations of a similar nature." The amendment and resolution were both negatived—26 to 3. There was an opposition to these resolutions among Mr. Fisher's friends outside of the House—not so much to their spirit as to the course to which they would necessarily commit members. His friends thought that instead of again addressing the Home Government, who had already conceded the principle asked for by the House in 1843, it would have been better policy for Mr. Fisher to have moved a vote of want of confidence in the Government, who alone were now answerable for matters as they stood.

In the discussion, Mr. Fisher stood by his resolutions with much pertinacity. Although a member of the Church of England himself, he advocated with all his ability the right of "dissenters" (so called by way of discrimination) to participate in the government of the country, as members of Her

Majesty's Legislative Council. Hon. Mr. Hazen denied the charges of religious or political bigotry as having influenced the recent appointments. Hon. Mr. L. A. Wilmot declared that he was actuated by a proper spirit—that he had not forgotten the interests of his fellow dissenters, denounced the narrow rule of selection from this or that denomination, and advocated the more expansive policy, which, regardless of all religious differences, would select the men best fitted by integrity, ability and property to represent the interests of the whole people. He charged unfairness on Mr. Fisher in attacking the Government while its work was yet incomplete, and declared the claims of dissenters to have been borne in mind by the Government. Hon. Mr. Simonds defended the Government. Other members spoke against the resolutions, chiefly on the ground of their tendency to excite religious discord and animosity.

The gist of the whole debate is contained in the above digest—quite enough for the purpose of bringing the points out.

The House went into Committee on the Message of the Lieutenant Governor, relative to a disease which existed in the County of Gloucester, of a most disgusting and fatal character, and which, in the opinion of medical persons in that quarter, resembled the Leprosy of the seventeenth century.

It appeared from documents which were read, that the disease made its appearance in 1824, since which seven persons had died of it, having lingered from three to five or six years in a most miserable condition; one of whom who had been enclosed in a log hut, and who was fed through a hole in the same, having died as was supposed insane; and such was the dread of persons, in consequence of the supposed infectious nature of the disease, that in some cases the overseers of the poor had to carry the unhappy creatures the supply of food which was necessary to support existence, and for the consumption of which they retained their natural desire and appetite.

That the disease was infectious, would appear from the fact of persons having been attacked with it, who had slept with each other; and in one instance a young man who had assisted in carrying a coffin containing the corpse of a person who had died with the disorder, and upon whose clothes some

of the contents had oozed, subsequently caught the infection and died in this year, (1844.)

It appears further, that twelve persons were labouring under this disease, in the County of Gloucester, and there were about the same number of cases on the other side of the line, which separates that County from Northumberland. Although there were probably other cases which were concealed, as a knowledge that a person had it, excluded its victim from society.

Among the cases enumerated was that of a female who was shipwrecked at Caraquet, on her way to Quebec; and who afterwards returned to Chatham, where the disorder developed itself, and extended to two others of the family in which she resided, and to a child who was intimate there; all of whom died. In fact the disorder invariably terminated fatally.

The reading of the several documents connected with this subject, created a strong sympathy in the House and compassion for the unhappy sufferers. Dr. Thomson and Dr. Earle gave it as their opinion that the disorder was not the leprosy. The former gave a very lucid account of the effects of the mode of living and the habits of the French people among whom this disorder had appeared, which not only predisposed their systems for the reception of this or any other scrofulous disease, but rendered it more difficult to cure; and he recommended that their habits of life and the food by which nature was sustained should be changed, and that by education and amusement the minds of those poor people might become elevated, and brought with their bodies, into more healthy and vigorous action.

The House passed a Resolution unanimously placing £500 at the disposal of the Executive government, for the purpose of procuring medical treatment, and separating those who were labouring under the disease from the rest of the inhabitants, and for alleviating as much as possible the few remaining days of their miserable existence.

On the 26th March, Mr. Fisher, from the Committee to whom was referred the subject of the state of the Great Roads of the Province, with directions to report what sums would be required for repairing and improving the same, submitted the report. The gross amount recommended was £5,212 10s.

A further sum of £1,200 was named for distribution among the different Counties, to be expended upon sundry special objects, which had been brought under the notice of the Committee.*

There was a short debate upon the Bill for amending the Charter of King's College—which was remarkable for nothing more than a statement made by the Hon. L. A. Wilmot, to the effect that since the establishment of the College *forty five thousand pounds* had been paid for its support—a sum (said Mr. W.) which would have educated every one of its students at Cambridge or Oxford.†

On the 6th April the expenses of the Northumberland Election were submitted to the House by a member of the Government, together with a large file of documents. It appeared that during the elections in December, 1842, there was so much political excitement in Miramichi, that a detachment of troops had to be sent all the way from Fredericton to quell an outbreak. It was no unusual thing, however, in those times when an election lasted nearly a week, for riots to be of frequent occurrence in different parts of the Province. The friends of the respective candidates kept what was called "open house," for all who chose to enter and partake of the refreshments offered, the most essential elements being "brandy, gin, and rum." It was a season of idleness, dissipation, and outrage. Had the Reformers never given us any thing more than the remedy which they provided for this evil, they would be entitled to the gratitude of every lover of peace and order. The simultaneous polling Act and the ballot have been the means of preventing a great deal of trouble—expenses have been diminished—the rights of electors protected—and an independent exercise of the franchise is guaranteed to every man. Mr. J. A. Street maintained that the Province should pay the cost, to which opinion other honorable members assented. In opposition, it was said that the County of Northumberland alone should be held responsible for all damages. In his speech,

* There is nothing material in this paragraph; it is merely introduced for the purpose of shewing the system of voting away the revenues, before the Board of Works was established.

† As the College will frequently come under consideration, the question will only be dealt with when it assumes an importance worthy of a more extended notice.

which occupied two hours, Mr. Street said that the County he had the honor of representing, had been made the victim of a violent and lawless mob, instigated in opposition to him. He censured the Government for not sending troops to the scene of outrage sooner. Mr. Hazen tartly replied in defence of the Government; and inflicted a number of heavy blows upon Mr. Street's party, which he represented as being somewhat like the other, composed of men who, from their station in society, should have known and acted better—he referred particularly to the Magistracy and some of the principal inhabitants of the County. Mr. End (who, by the way, appeared to have considerable influence in the House,) applied the facts to the case, and advocated the right to tax the County alone, for a crime committed under the influence of feelings, which he said were peculiar to that section of the Province.*

The affair, however, terminated in a vote of £800 being passed to defray the expenses. (Under the present altered "initiation" system, this would probably not be allowed—the County would have to pay its own *extraordinary* expenses.)

The Financial Committee, which had been appointed by the House, to report upon the Financial condition of the Province, alleged, as the result of their investigations, the debt to be at the commencement of the Session of 1844, £156,446 6s. 4d. which is represented in the following abstract, made from the report:—

"Warrants bearing Interest, ...	£90,235	9	4
"Debentures, and Interest, issued for Loans, Burnt District, St. John, ...	16,696	0	0
"Due Savings' Bank and Bank of New Brunswick, ...	27,912	7	6
"Bye roads, and other appropriations for which warrants have not issued, ...	21,602	9	6
	£156,446	6	4

And that the assets of the Province amounted to £66,057 12s. 10d. as follows:—

* Of course this expression must now be forgiven—it was spoken at times of great political excitement—no one at the present day, would say this in regard to Northumberland. The writer has seen hotter work at Elections in Saint John, than any thing contained in the above in reference to Northumberland.

"Bonds and Cash in hands of Treasurer and Deputies, ...	£32,333 15 6
"Bonds and Cash in hands of the Attorney and Receiver Generals, and G. Baillie, Esquire, ...	33,723 17 4
	£66,057 12 10

"Leaving a balance against the Province at the commencement of the Session, of £90,388 13 6.

"The revenue of the present year (1844) is estimated at £50,000, while the appropriations amount to £54,140, leaving an over-expenditure of £4,140."

The publication of the foregoing will, no doubt, be important to those who take an interest in the past and present financial condition of the Province.

On the 13th, the Lieutenant Governor being too unwell to proceed to the Province Building, both Branches of the Legislature were summoned to Government House, where His Excellency, after giving his assent to a number of measures, was pleased to prorogue the General Parliament in a brief Speech.

(1845.)

CHAPTER VII.

Death of Hon. Mr. Odell—Appointment of Mr. Reade to the office of Provincial Secretary—Excitement in the House in consequence—The question of Prerogative—Great diversity of opinion—Printed declarations of Members of Government.

We are now coming to an interesting event in our Political History—one which, at the time, was calculated to arouse the dormant energies of the Government—and set the whole country in a blaze of excitement. On Christmas day, 1844, the Hon. Mr. Odell, who had held the office of Provincial Secretary for thirty two years, died at his residence in Fredericton; and on the 1st January, 1845, His Excellency appointed his son-in-law, Alfred Reade, Esquire, to the vacant office. In making this appointment, the Governor did not think it necessary to take the advice of his Council, doubtless acting upon the principle which the Legislature the year before had set up, and assured Sir Charles Metcalf should be the rule of faith in the exercise of the prerogative, especially in the dispensing of the patronage. In other words, Sir William thought that the right that pertained to the Queen's Representative in Canada was equally applicable to the Queen's Representative in New Brunswick.

All principle was now suddenly trampled under foot. The appointment of Mr. Reade at once forced the Conservatives to believe, that after all the Governor was not the sole custodian of the Queen's prerogative, but that a large share of this

mythical power belonged to themselves, and it only required just such a *home*-case as the present to assure them of this fact. If they had been in the dark all along, it was because they had no interest in seeing the prerogative in its true light. The inventor of the Guillotine, it is said, fell a victim to his own contrivance. The prerogative principle, for which our Constitutionalists so earnestly contended, in the case of Sir Charles Metcalf, was now about to be made a test of their faith, in its application to this Province; and it will be seen, as the reader proceeds, that they were destined by their extra-officious conduct to be hoisted by their own petard. All parties were now fairly put upon their metal—there was a sudden quaking among the dry bones, which bade fair to be the means of healing old festers and opening fresh wounds. Liberals and Conservatives clasped hands and met on common ground, animated by the one impulse. The latter could not but see the impolicy of their old proceeding, and the practicability of the principles for which the former had contended, and which they tried to preserve (so far as this Province was concerned) when liberal principles were assailed by the Governor General. On the whole, the event, now under consideration, was perhaps fortunate, as it had a direct tendency to bring about a better understanding in the country, in regard to the right working of Responsible Government.

The Session of 1845 was opened on the 29th January; His Excellency's Speech was of the ordinary length, but remarkable for nothing striking. Members on returning from the Council Chamber, entered into a short discussion, in which the principles of Responsible Government were incidentally alluded to. It was very evident, from the *tone* of the debate, that the Session, or perhaps the early part of it, would be any thing but pacific. A new issue had arisen during the interregnum. Conservatives and Reformers found themselves alike cast into a sea of trouble, and the leaders of the two parties adrift clinging to the one raft. The storm without had raged between Reformers and Conservatives. Now there was to be a fusion of ideas upon an abstract question—not a unity of feeling upon a great principle. It was not to be a party contest this time—for the outs to get in, and the ins to hold on against all-comers. It was to be

an injudicious admixture of men of both parties on the one side, and on the other, the last man in the world who should be so situated, viz. the Lieutenant Governor. The determination of the House was to subdue him and wrest the prerogative from his grasp, which until now had been undisputed, and would have remained so had His Excellency exercised it in accordance with the wishes of his Council. It was remarkable how great a flood of light could break through so small a crevice. The Reformers on this occasion placed themselves in a false position, by coalescing with their old antagonists without first stipulating for more than simply the removal of Mr. Reade. Having contended for the principles of responsibility when the political atmosphere was clear, and no particular case pending, during which time they were met by the most formidable opposition, they might, when the storm came and one of their fundamental principles was being assailed, have stood forth with arms folded, and thus intimated to the Conservatives that they might now see for themselves the necessity for establishing the Constitution upon a more equitable basis, and defining the powers of the three branches of the Legislature. Mr. Wilmot, it is true, was a member of the Government, and it might be urged could not stand by an appointment that did not meet with his approval, while the fact of his being in a Government that did not agree with him upon a question involving the right of prerogative, might have been some justification for his keeping his place, with a view of forming another Government upon better understood rules, one that could have anticipated all future difficulties. Having joined the Conservatives in their attack upon the Lieutenant Governor, the Reformers played into the hands of their old opponents, giving them great advantages—new strength, new resources, a new lease of power, and after all leaving the great Constitutional question itself unsettled, as far from being developed for practical purposes as ever.

On the 31st of January, Mr. Partelow wished to ask the Executive Members present, whether they were prepared to defend the appointment of Mr. Reade to the office of Provincial Secretary, as he believed the appointment to be one opposed to the "well understood wishes of the people," which the *new Constitution** guaranteed. In reply, the Hon. Messrs.

* The italics are made by the writer.

Hazen and Wilmot stated in substance, that they had already tendered their resignations to the Governor in consequence of this appointment. They further stated that they were debarred from expressing their reasons at that time, but would do so at an early day, as His Excellency had called upon them for an explanation in writing, which, when handed in, would convey the information required. The Hon. Mr. Simonds (another member of the Government) informed honorable members that *he* had not resigned, and asked for a little more time before stating his views to the House.

On the 3rd February Mr. Partelow rose for the purpose of asking if any final arrangements had been made with regard to the resignations which honorable members of that House had tendered of their seats in the Executive Council, and as he perceived these honorable members were in their places, he hoped they would now be prepared to state the grounds on which they had thought it necessary to retire from the Government.

Hon. Mr. Hazen first addressed the House in a very ingenuous and able manner, setting forth his reasons for resigning his seat at the Council Board; an extract, however, from the "explanations" given to His Excellency (signed by Hon. Hugh Johnston, E. B. Chandler, and R. L. Hazen,) will suffice to convey to the reader the grounds upon which the honorable gentleman based his opposition:—

"We did not fail to convey to Your Excellency at the earliest opportunity, after you communicated to us the appointment of Mr. Reade to the office of Provincial Secretary, the embarrassment we anticipated in supporting and defending the appointment in our places in the Legislature. While we are prepared at all times firmly to maintain to the utmost constitutional extent the prerogative of the Crown, we are unable conscientiously to justify its exercise in this instance. We conceive that the patronage of the Crown should be distributed without reference to origin or party, having a due regard to the relative claims of those who, from their public character and services, naturally look forward with a laudable ambition to preferment in this Province, their home by birth or adoption. On the other hand we feel that the elevation to the highest offices of trust and emolument of individuals whose character, services and claims to preferment (however appreciated elsewhere,) are entirely unknown to the country

generally, is prejudicial to the best interests of the Province, and will tend to undermine that implicit reliance upon the justice and wisdom of Her Majesty's Government, which has existed in the minds of all classes of Her subjects in this Colony hitherto unimpaired. Entertaining these views, we were reluctantly compelled to tender our resignations, it not being in our power to support your Excellency in the late appointment. It may be necessary to add that we make it no ground of objection that the appointment of Mr. Reade was forwarded for the Royal approbation without the advice or concurrence of Council, nor do we urge that the office should be filled by a member of any particular party. We are not so illiberal as to contend that the natives of this or any other portion of Her Majesty's dominions have peculiar claims to preferment. We have invariably maintained that the patronage of the Crown should not be made subservient to the party purposes of any individual or body of men; nor do we insist that the person holding this office should necessarily be a member of the Executive Council, or be required to secure a seat in the Assembly, such principles not having yet been established in this Province."

One or two ideas in this Address must forcibly impress the reader—the principles of party government, consequently party patronage, are objected to—that objection does not hold at the present day, as it is in the spirit of party that the government is carried on in all the North American Provinces. Again, the exercise of the prerogative is considered in this address to be a privilege exclusively with the Governor, but the honorable gentlemen do not hold that they have a right to "justify its exercise in this instance." If so great a power is in the hands of the Lieutenant Governor, to appoint whom he pleases to office, it is the duty of those who assent to this right,—not only assent to it, but find fault with those who oppose the principle—(as in the case of the Governor General the year before) to stand by the "prerogative" in the Governor, no matter who he offends. It is not shewn that Mr. Reade is unfit for the office, or would not make as good a Provincial Secretary as any other gentleman that could have been appointed. If one man acknowledges the right in another to perform a certain duty, he debars himself the privilege of criticising the acts of him in whom he confides. If he do not hold himself accountable to the country for the mistakes of his colleagues, there is no principle violated by

his continuance in office. If the prerogative is like a sapling, of a nature so pliable as to be twisted and bent at pleasure, the sooner it is brought within fixed constitutional rules the better, in order that all parties may understand its meaning and potency.

Hon. Mr. Wilmot did not subscribe to "the reasons" of his colleagues, but furnished "reasons" of his own for opposing the appointment—from which the following extracts are made:—

"In the first place I consider it justly due to the people of this Province, that all the offices of honor and emolument in the gift of the administration of the Government should be bestowed upon inhabitants of the Province who have made this country their home, and in the cases of the principal offices those persons should be preferred who have claims for public services rendered to the Province, and who can command the respect and confidence of the country. With these views, which I hope I shall ever retain, I must necessarily disapprove of the appointment in question, as I can only look upon Mr. Reade as a comparative stranger and a transient person, while at the same time, I am of opinion that he has no claim whatever on the ground of public services rendered to this Province.

"It would be in vain for the parents of our youth to make every exertion in order to qualify their sons for the higher offices of the Province, if the avenues to honorable and profitable preferment are to be thus closed against them; and I therefore cannot but view the appointment under consideration as an act of great injustice to the people of this country, and I can safely assure your Excellency that it will be thus considered throughout the length and breadth of the Province.

"Your Excellency is well aware that ever since I have had the honor of having a seat in the Council, I have approved of, and advocated those principles of Colonial Government which are now in full operation in Canada, which have been distinctly enunciated by the present government in the House of Commons, and which require the administration to be conducted by heads of Departments responsible to the Legislature—and holding their offices contingently upon the approbation and confidence of the country, as expressed through the Representatives of the people.

"Still entertaining a strong attachment to those principles from a clear constitutionality, and from a concientious belief in their safe and practical adaptation to a British Colony enjoying the privileges of a representative form of Government,

I can see no sufficient reason for withholding their salutary influence from the loyal and intelligent people of this Province; and considering it more advisable that a gradual advancement should be made by the Government itself towards those principles as opportunities may offer, than that a concession in gross should hereafter be made to the urgent demands of the country, I am of opinion that the Provincial Secretary should now be brought into the Executive Government, and should hold a seat in one of the Houses of the Legislature—his tenure of office being contingent upon the successful administration of the Government; and therefore as the appointment in question has been made irrespective of any of these conditions, I am bound to give it my opposition."

Mr. Wilmot's arguments are based upon constitutional grounds; but of course they availed nothing, nor could they assist his cause so long as he sat in the same Cabinet with those who had always politically opposed his views. He might still have clung to office, and been consistent, until his colleagues in the Government had satisfied him upon what shore they expected to bring up in the tack which they had just made, under a strong side wind. He might have said—"if you are willing that all appointments in future shall be made by the Governor, with the concurrrence of his advisers, I will go with you to break the last appointment." In joining with his colleagues, in leaving the Governor, he gave them an advantage over him, which they were not slow afterwards in working to his detriment. Perhaps no hon. member spoke more to the purpose in the long tedious debate that followed, than Mr. Hill of Charlotte. At that day his remarks, however, were contemned by Reformers and Conservatives alike. He "declared that the House had no right to say a word about the Government, or what was left of it—that Responsible Government was sound asleep—and that they had severed the cord which held the Executive Council responsible to the House—that the old system was now sustained in the present proceedings, and must continue to be carried out—that the House would have to flounder on for some time yet before they could adopt an explicit recognition of the true principles—that Responsible Government must first be defined, as was the case in England at every stage in its progress, from the days of Magna Charta to the present period; and that all that they were then doing would

prove futile and causeless, unless the House settled down into a full appreciation of its duties, and what should be its privileges. Responsible Government was a sham without being reduced to practice."*

The Hon. Mr. Simonds, remaining in the Government, addressed himself directly to the House, he said—

"He was not one of those who thought proper to retire from the Government in consequence of the appointment which had been made, as he considered the gentleman who now filled the office of Provincial Secretary to be well and fully qualified to discharge the duties of that office. That gentleman (Mr. Reade) was entirely free from party influence and possessed the full confidence of the head of the Government—he (Mr. S.) thought that it was necessary that the Provincial Secretary should possess the confidence of the Lieutenant Governor—for in transacting public business, the head of the Government could only give general instructions on matters relative to public business, and he must necessarily depend on the Provincial Secretary to see those carried into effect, and it in some measure depends on that officer, if the views of the Queen's Representative were correctly stated. When he (the Hon. Mr. S.) first heard of the appointment, he thought it a good one, although he would freely admit that as a general rule such appointments ought, as far as circumstances would admit, to be bestowed on an inhabitant of the country. The hon. member for the County of York said that this appointment ought to be a political one; this was the doctrine of the three Executive members who had resigned their seats in Canada last year—Baldwin, Lafontaine, and he believed Hincks, ['and Draper's, also,' from Mr. Fisher,] but this was not his (the Hon. Mr. S.'s) doctrine, he disliked any such doctrine, and thought he would betray his duty to the country if he did not express that dislike. The hon. member called the attention of the House to the address to Sir Charles Metcalf which passed that House last year, and urged on hon. members the propriety of considering the principles to which they had in that address declared their adherence. The hon. member for York (Mr. Wilmot) had said that he did not wish to interfere with the prerogative of the Crown were this appointment made a political one, and the officer holding it made dependent on a majority of that House for his tenure of office. The hon. member wished to make some remarks

*These remarks seem, at the present day, to be the most rational made on that stirring occasion; for after the conflict was over, and both parties, by their joint efforts, had succeeded in dislodging Mr. Reade, the old party feuds broke out afresh. The Reformers were again thrown into the shade by the Conservatives, and kept so for many years afterwards.

on Responsible Government, as his opinions on that subject had been misrepresented by at least one paper published at Fredericton—that paper had made him (the hon. Mr. S.) to say that he was in favor of the complete responsibility of the Executive Government to that House. He hoped he should not again be misunderstood on the subject of Responsible Government. The passing of the Civil List Bill conferred on the people of this Province all the Responsible Government which he would ever advocate, or which the Province could require. The question of Responsible Government is now before the House, and if hon. members are prepared to go for Responsible Government to the full extent which had been mooted, *then farewell to the peace of this Colony!* This was a question which he (the hon. Mr. S.) thought ought to be discussed calmly and deliberately. At the present time there was from the Crown to the Constable a complete system of responsibility, and hon. members ought to reflect, that further concessions would open the door for continued agitation. Were the system advocated by some hon. members adopted in this Province, what would be the effect? It would be this: the party going out of office, would agitate the country to get back to power; the party in office would agitate to retain their places—there would be no peace for the country. Witness, continued the hon. member, the scenes which are enacting in Nova Scotia and in Canada, and let hon. members say if that is a state of things they would desire to see in this Colony."

The italics in the above are made by the writer. The remainder of the hon. gentleman's speech is still more condemnatory of the principles of Responsible Government—surprisingly so for a gentleman who had all along been so famous for his advocacy of what he used to call the "people's rights." The most ultra conservative could not have taken stronger grounds in opposition to principles which were considered to be essential to harmony in each department of the Government—principles when carried out would be the means of providing checks and balances where mostly wanted. It is needless to copy more of this speech, since the ideas enunciated have, by the lapse of time, proved the hon. gentleman not to have been very clear in his prophetic vision.

Mr. Hill wished to put a few questions to the hon. members who had vacated their seats in the Executive Council—one of which was: *were they of opinion that the Governor ought to consult his Council in cases of appointment to Office?*

Mr. Wilmot said "that he had no objection to answer the "question of the hon. member from Charlotte, and he would "do so in words which no hon. member of that House would "dispute as authority. He would answer the question in the "words of Sir Robert Peel—they were these :—' A Governor "of Canada would be most unwise who did not upon all local "matters consult the wishes and feelings and opinions of his "Council, and he ought to use his patronage and power for "the benefit of the Province.'—these were the words of Sir "Robert Peel, used in the Imperial Parliament of Great "Britain, and he (Mr. Wilmot) adopted them as his own."

CHAPTER VIII.

The Reade difficulty continued—Conservatives suddenly turn Liberals—Liberals fail to understand their position—The Government reduced to a fragment—Success of the House in driving Mr. Reade out of office—Old party lines once more drawn.

On the 6th Feb. the "order of the day" was moved for going into Committee of Supply. Mr. Street, of Saint John, moved that the order should be suspended, because he said there was no Government to whom supplies could be granted. Mr. Barbarie seconded the motion, and was supported by Mr. End, who argued that the House should make a stand until the fragment of a Government was made what it ought to be. These three gentlemen contended that the Government should command the confidence of the country! Here was an attempt for a long ride upon an unsaddled horse, without any mile stones being placed on the road to mark the distances. But had any one predicted twelve months before this that such a political notion could have entered the head of a strong conservative—one so at variance with all the pre-conceived notions of the party in respect to Responsible Government,—he would have been "called out" by the Conservative Press—if not by the speakers themselves, as unworthy apostles of the great cause handed down to them unimpaired by their fathers. There was no genuine conversion here, however. The position now taken was one of expediency. The necessity of the hour demanded swift retribution—a sword that would cut any way—first in the

decapitation of Mr. Reade. Then—a slash at the Reformers, and an overthrow of their principles.

The salient points of the debate, as it appeared in the Head Quarters, in regard to the difficulty, are here preserved.

On the 10th the campaign fairly commenced, by Mr. End rising in his place and moving "the order of the day," which was to go into Committee of the whole House on the *state of the Province*. Mr. M'Leod (of Kingston) was called to the chair. Mr. End addressed the House at considerable length, in favour of Responsible Government, which he contended should be carried out in all its integrity. He concluded by offering a resolution condemnatory of the appointment of Mr. Reade—approving of the conduct of the retiring Councillors, and insisting that it was the duty of the Governor to consult his Council on *all questions* affecting the interests of the Province.* Mr. Hill followed, and moved as an amendment, a resolution, avoiding any reference to the appointment and resignations, but giving an analysis of Responsible Government, which he contended should be fully recognized by the House, before the principles could be applied to particular cases.† Mr. Fisher followed Mr. Hill with another amendment, embodying several resolutions—the first was a quotation from the Canadian resolutions of 1841, the others were condemnatory of the appointment of Mr. Reade, and approving of the resignation of the Councillors on the ground that they could not consistently support the action of the Governor.‡ Mr. Fisher prefaced his resolutions with an elaborate speech on the principles of Responsible Government, in the course of which he quoted a number of authorities, from Sir Charles Metcalf, Lord Stanley, Sir Robert Peel, and others. He commented upon the written "reasons" for resigning, and especially in favour of the "reasons" advanced by his colleague, Hon. Mr. Wilmot. Hon. Mr. Hazen next rose and delivered an able speech (so accounted by the different newspapers of the day on both sides of politics) in behalf of himself and colleagues. He said that the same mail which carried the recommendation to

* This was negatived—23 to 10.
† Negatived—22 to 11.
‡ Negatived—18 to 15. So far, then, the Governor's conduct was approved of.

England, brought him (Mr. H.) information of the appointment in a note from His Excellency, in which no opinion was asked, but the subject was studiously avoided. That notwithstanding this, he sent his opinion unasked immediately—that he had disapproved of the appointment from the first intimation he had received of it, and he had so far acknowledged Responsible Government, as to believe it to be his duty to retire from the Government because he could not support it; he next disposed of some rumours which had been whispered about, that it was wished to get some of the old compact in Mr. Reade's place, and he showed with indignation that he was not of a family who could have belonged to the compact. After Mr. H. sat down, Mr. Simonds stated that he did not intend at that time in the debate to make a speech, but he should wait until all the Lawyers had done, and then he would answer them *en masse*. Mr. Wilmot then rose, and having taunted the hon. member with his delay in the defence of the Government, proceeded to answer some of the observations which Mr. S. had made on a former day. He (Mr. W.) said that when he was first informed by the Governor of Mr. R.'s appointment, he was told it was for the present, and it turned out afterwards that at the time he was so informed, the despatch had been written recommending the permanent appointment. This disclosure produced some sensation throughout the House and the Gallery, and it was made by Mr. W. to show the reason why he had not immediately remonstrated against the appointment. Mr. Wilmot further said, that had the three remaining Councillors candidly asked His Excellency upon the meeting of Council to rescind their appointments, it would have been done—and he therefore charged the whole difficulty upon them. After Mr. W. had concluded, Mr. Simonds rose and observed, that as it was so late an hour (nearly 5 o'clock) the Committee had better report progress and resume the subject to-morrow morning at 10, when he promised to answer Mr. W. and what he called his misrepresentations.

The next day Hon. Mr. Simonds rose in his place, and addressed the House with all the vigour and fire of his youthful days, when he stood forth almost alone as the champion of the people's rights. He denounced the con-

duct of the retiring Councillors, charged them with a disposition to wrest the prerogative from the hands of the Queen's Representative, and aimed to introduce a state of things, which, if carried out, would lead to anarchy and blood-shed. Mr. John Ambrose Street condemned the appointment, and with much vehemence censured the fragment of the Council which still remained. At the same time, Mr. Street expressed his opposition to that part of Mr. Fisher's resolutions which declared that the Secretary should be brought into the Executive Council and hold his office only during the continuance of his colleagues in the Government. Notwithstanding all the liberal professions made on this occasion, it seemed hard for the Conservatives to swallow the whole dose. Mr. Wm. H. Street followed his brother, in a spirited speech. He insisted upon the continual action of the House until Mr. Reade's appointment was revoked, and suggested an address to the Queen on the subject. Mr. Partelow followed Mr. Street, and stated unequivocally his opposition to the appointment, and his want of confidence in the *remains*—or rather the remainder—of the Government. Mr. Hanington followed and delivered a constitutional speech. Mr. Barbarie, of Restigouche, considered that the House had nothing to do with Responsible Government. It was Mr. Reade's appointment and nothing else that was before the House ; against which, as far as he had the power, he would raise the country —having disposed of Mr. Reade he would next destroy the trio-Government which existed, as summarily as possible.— Other Conservative gentlemen also declared themselves in direct hostility to the Governor, with so much repugnance indeed, that had the Reformers on former occasions, been half as clamorous towards the Queen's Representative, while contending with their opponents for constitutional rights, they would have been stigmatized as the most seditious subjects outside of Newgate. "Men change, however, but principles never," is an axiom sometimes used, and was quite relevant to the occasion under consideration. Mr. Fisher moved another resolution approving of the resignations of the ex-honorables, upon the ground that they could not support the conduct of the Lieutenant Governor, which was carried 27 to 5. Mr. Partelow next moved a resolution denouncing

the appointment of Mr. Reade, "as an act of injustice to the people of this Province"—carried, 19 to 13. Mr. Fisher then moved, "that the establishment of Constitutional Government in this Province, by having the proper influence of the House of Assembly upon the Executive Government, and thereby affording a constitutional guarantee for its conduct, *renders a specific vote upon a single appointment of the Government unnecessary*,"—lost, 22 to 11.

The purpose of the Conservatives was served in the condemnation by the House of Mr. Reade's appointment.—What cared they, then, for Mr. Fisher's attempt to give them a guide for future action? It will be seen that among all the resolutions and amendments offered, the recognition of the leading principles of Responsible Government are recognised only in one or two instances, and then but *verbally*. Hon. Members dealt mostly with a speciality—a wrong committed in an individual case, but no provision is made for a future similar difficulty. There is no action taken to prevent the prerogative being exercised by the Lieutenant Governor, against the wishes of his future advisers, precisely as it had been exercised in the case of Mr. Reade. The inconsistency that manifested itself through this great struggle, afforded a painful evidence of the tergiversation of politicians. It was a war of loose principles—a contest on purely selfish grounds. While Responsible Government remained unrecognised by the Assembly, the Lieutenant Governor had as much right to exercise the prerogative in New Brunswick in his own way, as the Governor General had in Canada the year before, when the people of this Province justified the proceeding. Here is a specimen of the cant used by a certain hon. gentleman:—

"They talk about the 'Prerogative of the Crown;' no man disputes the right of the prerogative in making those appointments, all parties agree as to this; the use of power is one thing, and the abuse of it is another. The prerogative is placed in the Governor's hands to be exercised 'for the benefit of the Province' over which he presides. Has this been the case in this instance? no! what are the facts of the case regarding the late appointment? We find Sir William coming to this Province a few years since, and bringing with him a Mr. Reade as Private Secretary, whom nobody knew

or cared anything about. We find him acting in that capacity until last January, when upon the vacancy occurring by the death of the late lamented hon. Mr. Odell, in the Secretary's Office, behold this person of yesterday, having no claims whatever, holding no stake in the country, and possessing 'nobody's' confidence, is 'thrust' into the office over the heads of men who have long fought the political battles of their country, until they have grown grey-headed in its service. This is 'carrying out the principles of Responsible Government' with a vengeance."

The only "abuse of the power" above referred to, was that the Governor did not appoint a good Conservative to office, instead of his own son-in-law, a gentleman against whose qualifications nothing could be said. Had a Liberal (say Mr. Wilmot, or Mr. Fisher) been appointed by the Governor, it would have been just the same thing. Had Responsible Government been admitted instead of warded off, no appointment under similar circumstances could have happened, and the country would have been saved all the turmoil that followed in a four days' debate, and an amount of acrimony against the Queen's Representative, which up to that time was without precedent in our Parliamentary history.

On the 20th Mr. Partelow moved the following resolution :—"*Resolved*, that the present Executive Council in this Province do not possess the confidence of this House—nor of the country at large."* To which Mr. Hill moved an amendment, which was in effect, that in consequence of the resolutions passed last Thursday, this House could not constitutionally sanction Mr. Partelow's resolution. Mr. Fisher and Mr. Partelow then both rose at the same time, each having an amendment to the amendment in his hand, but Mr. Fisher having caught the Speaker's eye first, Mr. Partelow had to give way, evidently much chagrined. Mr. Fisher then moved his amendment to the amendment, which went on to define the principles of Constitutional Government, and wound up by asking the House to allow the Government more time, before taking so important a step. The Speaker, after reading the amendment to the amendment, said he could not receive it upon the ground that a certain part thereof contained a reflection against a portion of the House which was unpar-

* The Council now consisted of only three gentlemen—viz: Hon. Mr. Simonds, Hon. Mr. M'Leod, and the Solicitor General.

liamentary. This opinion was disputed by the Hon. Mr. Simonds and others, and upon the House dividing, a majority was in favour of its reception, and it was therefore received accordingly. After a very spirited debate, which lasted upwards of four hours, the question was taken upon each of the amendments, and both were lost. Mr. Partelow's original resolution was then put and carried by a majority of 22—9, there being two members who did not vote, Hon. Mr. Simonds and Mr. J. Earle, the former because he did not think it right that he should do so—the latter because he had left his seat before the question was taken. The following are the names of the members who voted against Mr. Partelow's resolution :—Messrs. Hill, Boyd, Thomson, Gilbert, Fisher, M'Leod, Connell, Payne, and Colonel Allen.

Whatever may have been thought of the minority at that day, when the excitement ran so high, when the voice of the country (in and out of the Legislature) was in favour of the political denudation of the Lieutenant Governor, so much so that it was considered culpable to oppose the popular outcry, we may now calmly look back after the lapse of twenty years, and pronounce an unprejudiced opinion upon the whole affair. It was the first time that a vote of want of confidence in the Government was ever voted in our Legislature; and this vote was sustained by members, especially the mover himself, who had all along denied any ministerial responsibility to the House, indeed, that the House had any right to meddle with the acts of the Governor or the Government. Had there been political honesty observed throughout, and the majority of the House been aiming to mend their ways—had they shewn the least disposition to mount the stool of repentance; having been made the victim of their own obduracy, had they now sought to improve upon the lesson taught them, so that in the future no more such difficulties could arise—then, in such case, Mr. Fisher, as a constitutionalist, could no more have gone against the resolution than he could have laid violent hands upon one of his own offspring.

While the discussion lasted, the galleries of the House and the lobbies were crowded to excess, as if the fate of the Province hung upon that of Mr. Partelow's resolution.—Whenever a good point was made by any of the speakers, it

was with the utmost difficulty that applause from the gallery could be restrained; but when the resolution was declared carried—viz: "the vote of want of confidence" in the trio Government, the *vox populi* became furious. A tremendous round of applause burst forth, from "box, pit, and gallery" —whilst the cry of—"order"—"order"—from the Speaker's chair, with lungs stentorian, added to the confusion, and by no means improved the dignity of the House.

On the 22nd Mr. Partelow moved the following resolution:—"*Resolved*, That the Resolution passed in the Com- "mittee of the whole House on the thirteenth February "instant, and which was adopted by the House, relative to "the recent appointment of Provincial Secretary; as also the "resolution of the House of the twentieth day of the same "month, expressive of a want of confidence in the present "Executive Council, be submitted to His Excellency the "Lieutenant Governor;—and that an humble Address be "presented to His Excellency, praying that His Excellency "will be pleased to transmit the said resolutions by the first "mail to the Right Honorable the Secretary of State for the "Colonies."

The hon. member in introducing this resolution, said that his object was to put the Home Government into the earliest possession of the feelings of the House of Assembly upon the subject of the late appointment, and as the mail would close here on the following Tuesday, there was no time to be lost. If the appointment of Mr. Reade had not been confirmed before the mail reached England, he (Mr. P.) thought that the probability was, that with the information now about being sent, it would not be confirmed. Another long debate followed the reading of this resolution, occupying fully three hours.

Mr. Wark said that he would not cease to give his constitutional opposition to a Government avowing such principles as those enunciated by one of its new members (Mr. M'Leod.*)

* Mr. M'Leod had informed the House that he "acknowledged the principles of Responsible Government, as those which should govern him, except as to appointments to office; and said, that as nobody but the Governor could exercise the prerogative, nobody else could be answerable for it." Mr. M'Leod, in saying this, was only consistent with the conduct of the House in regard to its action in favour of the Governor General before referred to.

He said the House should now make a firm stand, as a state of things existed which had no parallel in any Colony. Mr. Hill said there was no *constitutionality* in any of the proceedings. Considering the undefined, unsettled state of the Constitution, the House had no right at all to proceed in this personal matter. Mr. Simonds informed the House that he had tendered his resignation, in consequence of the vote on the 20th, but it had not been accepted; that the Governor could accept or not as he pleased; that it was his opinion whenever a want of confidence vote passed, the members of Council should tender their resignations, and if the Governor would not accept them, they should hold on. That they were now thrown back on what was the old Constitution of the Colony a long time ago, and that was where they ought to be—that he had sent a written resignation, wherein he had stated his fears that if such principles of Government were carried out in this Province, as were in operation in Canada and Nova Scotia, it would prove fatal to the peace and prosperity of the Province—that the Governor could only select such Councillors as would support what he had done—and that he could not have taken any from the majority of the House without prostrating the prerogative, and handing it over to the Assembly—that the Government had now a quorum for business, and that further additions would be deferred till the Governor heard from home; and that he would stand or fall by the decision there. Mr. Hazen followed, and dealt the members of the Government heavy blows. Mr. Wilmot denounced the Government as an insult to the House and country—and said, that if the fragment had tendered their resignations, and they were not received, the whole responsibility would now be concentrated upon the Governor; that if the Governor would not accept the resignations the Council should have self respect enough to withdraw from the Board; that the Government was now degraded in the estimation of every right thinking man; that the last proceeding of the Executive was a mockery, and worse—it was a political abomination. Mr. Brown expressed his satisfaction that a quorum for business had been formed, and hoped the public business would be no longer delayed. Mr. Street, (J. A.) next assailed the Government in strong terms. Mr. End,

also Dr. Earle, indignantly condemned the Executive proceedings, and the latter warned his colleague (M'Leod) that he would give him every constitutional opposition.

At the close of the debate the resolution was carried without a division, and a Committee appointed to frame an Address to the Home Government.

A correspondent, addressing the writer, under date Fredericton, February 22nd, 1845, thus remarked in regard to the extraordinary feelings and action of the House, in consequence of "the fragment" keeping their places :—

"The House have come to the conclusion to stop all the extraordinary supplies, and grant nothing but for the ordinary services of the country; or in other words, not to place a single shilling of money, more than they can possibly avoid, in the hands of the present Government. Several of the leading members of the House, I may say all, (except those who still hold on to Sir William Colebrooke), gave notice of their fixed and settled determination to use every constitutional means in their power to oppose and embarrass the present Government; that never since the days of Charles the Second had any House of Assembly been placed in so degraded and humiliating a position, as they at present felt themselves—their power prostrated, and their solemn resolutions treated with the most perfect contempt; in fact, they were told plainly by one of the Government, (Hon. Mr. Simonds), that a resolution of that House was no better than the 'marginal note of an old newspaper'—and to crown all, they had come into that House and chosen one from the small minority, to assist in filling up the Council.

"Mr. End in his speech upon the subject said, that he didn't believe there was a schoolboy, 'a plain, homespun dressed, hard fisted' schoolboy, from one end of the river St. John to the other, placed in the situation of the present Secretary, that would not at once say to his father-in-law, (Sir), sooner than be the means of setting the whole country in commotion, and prostrating the Government of the Province in this way, I beg leave to tender you my resignation and my 'six hundred' a year.

"Hon. Mr. Simonds read a copy of a letter to His Excellency, in which he had tendered his resignation of the office of Executive Councillor, but at the same time, told His Excellency, that he considered His Excellency 'right,' and the House *wrong*. There can be no doubt but that it was perfectly understood between His Excellency, and the three Councillors who remained in the Government, (the other two I believe I may say, having also tendered their resignations),

that their resignations would not be accepted, Mr. Simonds having declared during his speech, that unless His Excellency chose to accept his resignation, 'he should not retire.'"

The following is the Address, given without abridgment, by way of showing the crude notions formerly held with regard to the working principles of Responsible Government. The lines italicised by the writer are worthy of special attention. Indeed, this Address, although lengthy, is well entitled to the space it occupies, inasmuch as it embraces the entire history of the grievance complained of, as well as an elucidation of the peculiar Conservative political views held in 1845:—

"TO THE QUEEN'S MOST EXCELLENT MAJESTY.

"*The Humble and Dutiful Address of the House of Assembly of New Brunswick.*

"MAY IT PLEASE YOUR MAJESTY,—

"We, Your Majesty's faithful Commons of New Brunswick, beg leave to approach Your Majesty with renewed expressions of attachment to Your Majesty's person and Government.

"We have frequently hoped that the time would be far distant when complaints from this, Your Majesty's Loyal Province, should be heard at the foot of the Throne; but the prerogative of the Crown having been recently exercised by His Excellency the Lieutenant Governor in a manner so injudicious and so unjust, as to cause dissatisfaction throughout the Province, we deem it our unavoidable duty to bring the subject under Your Majesty's gracious consideration.

"Your Majesty will have already received intimation of the recent demise of the gentleman who held the highly important office of Provincial Secretary—the filling up the vacancy by His Excellency the Lieutenant Governor's appointment of his Private Secretary and son-in-law, and the consequent retirement of four members of Your Majesty's Executive Council. Upon the reasons which induced such retirement, the Assembly were bound to express a deliberate opinion; and these members have been sustained, in the Constitutional steps which they had thus taken, by an overwhelmning majority; while at the same time, a vote of want of confidence in those who remained in office and sanctioned the appointment, has passed the Assembly, with such an expression of opinion as cannot fail to demonstrate to Your Majesty the true state of public feeling.

"Notwithstanding such expression, we lament to say, that His Excellency has not thought proper to accede to the wishes, or regard the opinion of Your Majesty's faithful Commons;

but on the contrary, has declined to accept the resignations which the Assembly are led to understand arose out of such expression, and moreover has selected from the small minority of nine, who voted in the House against the resolution of want of confidence, gentlemen to fill two of the vacancies, who have already been sworn into office.

" The Assembly forbear to remark upon this unusual and extraordinary measure of the Provincial Government; *nor do they in the remotest degree question the prerogative in its undoubted right to make such appointments, or to call to the Councils of the country such gentlemen as the Crown may consider best qualified to discharge the Public Duty.* It is only on the *improper* and the *unjust* exercise of such a right, that the Representatives of the People consider it their *imperative* duty to express an opinion, and humbly and dutifully to lay such opinion at the foot of the Throne.

" Your Majesty's faithful subjects have always understood, and it is a principle invariably recognized by the most illustrious statesmen in the Mother Country, that the patronage of the Crown should be exercised in the Colonies with due regard to persons, whose zeal and ability in the public service entitle them to claims for preferment; and that the government of a Colony should be conducted according to the well understood wishes, feelings and opinions of the country.

" Such principles have been acted upon in Canada and the other neighbouring Provinces; and Lord Metcalf, the present distinguished Governor General, in various Public Addresses, has thus expounded the principles of Colonial Government:—' It will ever be my earnest endeavour to promote the welfare and happiness of Canada; to do justice to all parties; to know no distinction of races and creeds; to make appointments to office according to merit and just claims, and the efficiency of the public service; to consult in all acts of the Government the interests and wishes of the people to maintain their rights, no less than the prerogative of the Crown, unimpaired,—regarding the latter as valuable only when it conduces to the benefit of the country;'—and again—' If you mean that the Government should be administered in accordance with the well understood wishes and interests of the people; that the resolutions of September, 1841, should be faithfully adhered to; that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise, and that the Governor should receive it with the attention due to His Constitutional Advisers, and consult with them on all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the Provincial Parliament and the people;

and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign;—then I entirely agree with you, and see no impracticability in carrying on Responsible Government in a Colony on that footing, provided that the respective parties engaged in the undertaking, be guided by moderation, honest purpose, common sense, and equitable minds, devoid of party spirit.'

"Such are the principles laid down by Lord Metcalf; and as the policy of Your Majesty's Government has invariably been, and still continues to be, to apply one uniform principle to all Your Majesty's North American Colonies; and as that distinguished Nobleman has been sustained in his views by Your Majesty's most gracious approbation, the people of this Province, through their Representatives, have cordially responded to such principles, and have considered them applicable to the condition of Your Majesty's Loyal Subjects in New Brunswick.

"Whether these principles have been carried out by the Provincial Government, either in making the appointment complained of, or in the ulterior step with reference to the Executive Council, the Assembly submit to the gracious consideration of Your Majesty. They cannot however but lament, that in the disposal of this highly important and lucrative Office, 'merit and just claims,' so emphatically expressed by Lord Metcalf as constituting the leading principle in distributing the patronage of the Crown, have been most unjustly disregarded; and the *peace and contentment* of Your Majesty's Loyal Subjects in this Province have thus unhappily been disturbed.

"The Assembly intend to pass the Revenue and Appropriation Bills, and to forward all other business in which the country is interested, notwithstanding this unfortunate collision with the Executive Government; thereby *disarming any imputation* that they are influenced by a *factious desire* either of embarrassing the Government or neglecting the great interests of the people.

"It is upon Your Majesty alone that the Assembly confidently rely for a redress of their complaints; and they therefore earnestly and fervently pray that Your Majesty may most graciously be pleased to take this their Humble and Dutiful Address into Your Royal consideration, and *grant such relief* to Your Faithful and Loyal Subjects as the present exigency demands.

J. W. Weldon,
Speaker House of Assembly, New Brunswick."

House of Assembly, 25*th February*, 1845.

This Address was carried—24 to 6.

CHAPTER IX.

King's College — Character of its Charter — Discussion on its amendment — Objection to the Church of England power in the College Council — The Lord Bishop of Fredericton — Theological Chair — Passage of the amended Charter through the House — Discussion in the Legislative Council on the subject — Carried in the Council — Tractarianism — Strong feelings in opposition expressed — The overthrow of Protestanism feared — Registration of Voters — Fees of the Secretary's Office — Roman Catholic Bishop in New Brunswick — Closing of the Legislature.

The next important debate was in reference to King's College. On the 24th, on motion of Mr. L. A. Wilmot, the House went into Committee of the whole on "A Bill to amend the Charter of King's College." By showing briefly the amendments proposed, an insight will be had into what was considered to be the exclusive character of the Charter as it stood up to this time. Persons outside of the pale of the Church of England considered that as the College was intended for the use and behoof of the whole Province, and most liberally sustained by its funds, there should be nothing in its government or control calculated to excite the jealousy and religious scruples of any denomination; but that all should be, as nearly as possible, on an equal footing within its walls. In order to meet the objections raised, the first proposed amendment to the Charter, was to remove the Lord Bishop of the Diocese from the office of *Visitor*, and substitute the Lieutenant Governor. Then, that the Chief Justice should be *Chancellor* in the place of the Lieutenant

Governor; and that the provisions of the Charter, to the effect that the President of the College shall be a Clergyman of the Church of England, and that the Archdeacon of the Province shall, by virtue of his office, be at all times the President of the College,—be annulled; and that the President thereafter shall be appointed by the Queen, or her Representative. The second proposed amendment fixed the members of the College Council at 15, and showed what officials should be included—its recital is not important—seven members were to constitute a quorum for the transaction of business. The third amendment was to abolish the rule which rendered only those who had graduated in the College as competent to take part in its management; and that no religious test should be required thereafter of any person appointed to the College Council, except with regard to the Professor of Theology, "who shall at all times be a Clergyman of the Church of England." Instead of being obliged to subscribe to the "Thirty Nine Articles of Religion," any person taking a degree shall be merely required to name and subscribe the following and no other declaration—"I do hereby solemnly "profess, testify and declare, that I believe in the authenti- "city and Divine Inspiration of the Old and New Testaments, "and in the Doctrine of the Holy Trinity." The appointment to Professorships to be with the Lieutenant Governor—nor were the incumbents any longer obliged to be members of the Church of England as a pre-requisite condition.—Divine service to be conducted according to the order, rites and ceremonies of the Church of England.

These were the material amendments proposed to the Bill.

The debate which followed was very lengthy and stormy—in which the representative of every denomination felt that he was in duty bound to improve the opportunity of letting the College have a bit of his mind. Notwithstanding the majority of the House belonged to, or professed themselves to be members of, "the Church," the amendments found in them willing and stout advocates. In the march of liberal principles the College would not be allowed to stand as a bulwark against the innovations that were daily gaining ground. The College Council made a stand against the amendments, and petitioned the Legislature. The Constitu-

tion being established by Royal authority, it was denied that the Local Legislature could in any way interfere with the Charter. Even if the Legislature should pass the Bill, the Council would not feel themselves obliged to abide by it. Mr. Wilmot insisted that the Legislature had the right to interfere, and asserted his reasons at considerable length. The College had been in receipt of £2,200 a year annually from the Province (as provided for in the Civil List arrangement)—and it was denied that its usefulness was adequate to the expense entailed for its maintenance. One of Mr. Wilmot's chief objections to the existing state of things,—and for which one of his amendments was to provide,—was that every member of the College Council was obliged to subscribe to the Thirty Nine Articles of the Church of England; and that the mismanagement of the Institution had driven or kept students away from it. Another hon. gentleman remarked that King's College "was the best endowed establishment in North America, and effected the least good of any one." Dr. Thomson (of Charlotte) thought that "the College had better be destroyed altogether than remain as it was. It was perfectly absurd to have a University of this kind in a Province of only 150,000 inhabitants;" and that "it was one of the visionary projects of Sir Archibald Campbell." Mr. J. A. Street said that "this College affair was an annual offering for hon. members to warm themselves over;" and it was owing to the "extreme notions of hon. members that the Bill did not pass elsewhere. An amendment had been urged upon the House last year, to the effect that the new Bishop* upon his arrival here should be an ex-officio member of the Council; but a majority of the House had thrown it out; after which they should not talk of narrow-mindedness. If this amendment were introduced and sustained he would support the Bill," as he considered the College stood in need of improvement; and that "it was not properly managed." Mr. Street explained his reasons for coming to this conclusion. Among others, he considered it "disgraceful to the College Council, that when any gentleman of the Province sent a son there, expecting him to

* The Right Rev. Dr. Medley, who arrived in New Brunswick to take charge of the new Diocese, just set apart from that of Nova Scotia.

receive a liberal education, to find upon his return that he had not been taught any language but the dead languages." He was "glad to have the opportunity of expressing his disapprobation of the Council in this instance." Mr. Wark "was opposed to the Bishop being a member of the College Council, unless the Legislature had power to remove him." He "denied that there was any established Church in the Colony," that such a privilege should be conferred upon the head of one denomination more than another. He would "also protest against the use of the word 'dissenter.'" "To "show (said Mr. Wark) that the Church of England had no "right to assume that there was no other Church in the Pro- "vince, and that consequently members of the Council of "the Provincial College must subscribe to the Thirty Nine "Articles, he would call their attention to the returns he "held in his hand, whereby it would be seen that the Church "of England had 61 places of Worship in the Province; or "not quite two ninths of the whole." He hoped that "the majority in the House, although Church of England men, would not overlook the claims of other sects." Mr. Hanington "ridiculed the idea of wasting their time about the name "of a Church, or quarrelling about the form of prayer to be "used in the College. As to the College Charter, the hon. "member (Mr. Wark) was altogether mistaken about it; it "was not drawn up, or carried by the Church of England, "but by the Legislature of the Province. There was no "connection between the College and the English Church— "neither did he think the former was of any benefit to the "latter, except as an establishment for education, which was "open alike to the people of all denominations." Mr. J. A. Street next grappled with the arguments put forth by Mr. Wark. "He would rather see the building torn down than that it should lose its religious character." He was "sur- "prised that the hon. member had called in question the "importance of a Theological Chair in the College. It was "his (Mr. S.'s) firm opinion, that if this were abolished, in "less than a quarter of a century hence the Institution would "assume a Unitarian character."*

*The Theological Chair has since been abolished by a subsequently amended Charter.

Mr. Wilmot was not opposed to the Bishop holding a seat in the College Council, but not as an ex-officio member. He said*. "the College Council had presumed upon their Charter, "which they thought could not be touched; but he thought "the House, if firm, would find means to bring them to their "senses yet. He (Mr. W.) had been at some pains to hunt "up the original grant of the lands held by the Institution, "and which they had without scruple applied to its use; and "by this grant he found that those lands had been given to "the College in trust, for the support of a town school in "Fredericton for ever! In 1800 the Trustees had departed "from their duty, but the rights of the people of Fredericton "to those lands was not yet gone—their rights were not yet "foreclosed. And he as a lawyer would assert that the title "of the College to the lands was not good. In saying this, "he was not the enemy of the Institution; he had no desire "to take any advantage of his discovery, but those who had "pretended to be the friends of the Institution were its "real enemies. He would repeat that he would take no "advantage of his discovery, provided they did not build "their pretensions upon vested rights, for it was outrageous "that the House should be told that they were not fit to be "entrusted with the management of the College. If nothing "could be done soon, he would feel it his duty to stir up his "constituents in Fredericton to seek their rights, and he had "not the slightest doubt but they would obtain them. The "original grant was now on the table, open for their inspec-"tion, and any lawyer would see that it was given in trust "for the support of an Academy or School in the town of "Fredericton for ever, and that right had been given up. "But this should be his last resort—he did not wish to take "advantage of it; for £47,000 had already been expended on "the College, and he did not wish to see it thrown away. "He would be sorry to see the Institution destroyed, but "would do his best to build it up and render it more useful."

The above digest conveys the salient points of a debate, which occupied a good portion of a day, and the speeches of which would fill, at least, ten columns of an ordinary size newspaper. The reader has therefore before him all that is

* Copied from the Head Quarters, March 15.

worth preserving in this form. For full particulars, which the design of this work does not provide, reference must be made to the reported debates of the day.

The Bill passed the House by a large majority; and was taken up to the Legislative Council, for its concurrence. As this body at that time was considered to be somewhat fossilated in its opinions, especially in its leanings towards the Church of England, nearly every member of which, as previously noticed, belonging to that communion, it was doubtful as to the nature of the reception the measure would meet with in that quarter. It was apprehended with fear, by some of the best friends of the Bill in the House, that the Council would show their offspring but little mercy; and that it was not at all improbable that they would strangle it, by making such amendments as it would have been impossible for the House to accept with consistency. But it will appear by a synopsis of the debate in that branch, here given, that the Legislative Council were imbued with as tolerant a spirit as could reasonably have been expected by any denomination.*

The Solicitor General denounced the proceeding by Bill to amend a Royal Charter as illegal, without the consent of the Corporation; as unconstitutional without the previous consent of the Crown; and as unprecedented at home or abroad, throughout the British Empire: and defied the supporters of the Bill to produce a precedent for such a proceeding. The hon. gentleman argued the question with all the zeal and acumen of a lawyer, and called upon every honest and true hearted Churchman to oppose the Bill, as threatening the interests and prosperity of the Church. The Hon. Mr. Botsford answered the arguments as to Church interests, by shewing that the Institution was a public one, designed for the benefit of all classes, endowed by public moneys paid by all denominations; and condemned the call upon Churchmen to oppose the Bill, and urged upon the Council their duty to legislate for all classes, without preference for any denomination. The Hon. Mr. Kinnear maintained that the proceeding was legal, constitutional, and supported by precedent. It was legal, because the Charter had its origin in

* The Act was sent to England, and received Her Majesty's assent on the 19th December, 1846.

Legislative enactment, and was endowed by the same authority, and therefore could be acted upon by the same power; it was constitutional, because it was an established mode of obtaining the Royal assent, and it could not become a law until that assent was given, and it had an exact precedent in Canada in an Act of 1837, which had received the Royal assent. The Solicitor General having challenged his opponents to produce a case where a College, with power of conferring degrees, had been established or originated by a Legislature, Mr. Kinnear produced the cases of two of the Nova Scotia Colleges—Acadia and Dalhousie. Hon. Mr. Johnston claimed for the Legislature of the Province, the right of legislating on the subject, because of the endowment from the public funds. He gave it as his opinion, that the management of the Institution hitherto had proved the necessity of a change in the governing body, and that the infusion of a little plain practical common sense into the Council would be of great service. He thought one great mistake in the management had been, that a parcel of children or boys, were dealt with as the young gentlemen at Oxford; that they might study or not as they pleased, which was an absurd principle. He was a member of the Church, and therefore desired to see the Charter amended, and to see the Institution flourish. He felt a deep interest, because he had sons to whom he wished to give the benefits of a sound Collegiate education; but he would say, that if conducted as heretofore, he would never send one of his sons to it, as from the best information he could get, he was satisfied it would be a waste of time. Hon. Mr. Hatch followed in support of the Bill. He approved of the liberality of the other House in retaining the Theological chair with the Episcopal Church, and requiring daily prayers to be said according to the forms of that Church; he would not support any measure which would deprive the Institution of the guides and blessings of religion; he thought the Church was not endangered by the Bill; he would be sorry to think that the Church required the walls of a College to protect it; there was no danger of it, if its ministers and members adhered to the sound principles of the Reformation. Hon. Captain Owen followed in support of the Bill, but added nothing new to the former arguments.

The Hon. Mr. Cunard approved of the Bill, and pronounced its opponents to be the greatest enemies to the Church. Hon. Mr. Saunders (one of the College Council) opposed the Bill as unnecessary, and uttered a very warm laudation upon the College—complimenting professors and students. He also dwelt strongly on the character of a Royal Charter, and condemned any attempt to amend by Bill. The Hon. Attorney General declared that the Charter could never be amended, except by Legislative enactment—and therefore strongly supported the Bill. He made an extraordinary disclosure respecting the original application of the Crown for a Charter; that the Act of Assembly of 1823 was based upon a draft of a Charter which was sent home—a copy of which he now had in his office—that it was much more liberal in its provisions than the present one; but that in 1828, to the surprise of Sir Howard Douglas, the then Lieutenant Governor, the present Charter came out, copied from one obtained by the machinations of Dr. Strocker, for Upper Canada; and that Sir Howard was so dissatisfied with its exclusive and illiberal character, that he would not lay it before the Assembly, until shortly before he left the Province, in 1829; when, by some extraordinary influences, he had procured a bare majority in the Assembly to accept of the Charter, and grant the endowment. The Hon. John Robertson followed, and with the aid of a pamphlet, containing the history of King's College, Toronto, he confuted the Solicitor General's arguments. He adduced a case where the Charter of Trinity College, Dublin, had been twice modified by Act of Parliament; and showed that Maynooth College was created and established in 1795 by Parliamentary enactment. He read some strong opinions of Sir James M'Intosh, Lord Stanley, and Sir George Murray, against the exclusive character of King's College, Toronto; and clearly sustained the position that the College here should be under Legislative control. Hon. Mr. Black stuck to the Charter, and pronounced it good; and after some sharp shots, and a little confusion, the principle of the Bill was sustained—8 to 6.

As previously stated, the Province of New Brunswick had just been set apart as a separate Bishopric from that of Nova Scotia; and the first Bishop appointed was the Right Rev.

Dr. Medley, Prebendary of Exeter Cathedral. In advance of his Lordship's arrival, rumours were industriously circulated with regard to his evangelical principles—it was said (and it found its way into the newspapers) that he was strongly imbued with Oxford, Puseyitic, or Tractarian notions; and that instead of strengthening the bulwarks of the Church in New Brunswick, they would certainly crumble to pieces under his teaching. These opinions were extensively entertained by persons of different persuasions; and, as in all cases where prejudice unwittingly forces itself upon the understanding, every christian, (or rather large numbers of them, within or without "the pale,") felt himself called upon to come forth and do battle with the invisible foe, who, by report, had threatened on his arrival in the Province, to lay sacrilegious hands upon the orthodox faith of their Church —in other words, to disturb, by garishness and unseemly forms and ceremonies, the religious convictions of all good Churchmen which had been inherited from their fathers, without spot or blemish, and which, they thought, it was their special duty to cherish, and transmit unimpaired to their posterity.

(The reason for referring so specially to these matters, will present itself in what follows.)

The Legislature was imbued with a similar feeling. The same suspicions which disturbed the serenity of Churchmen out of doors, were strongly felt and echoed within those walls, where "the wisdom of the country" is supposed to find a habitation two months in every year.

Accordingly, anything that emanated, or was likely to emanate, from those inclined to favour "the establishment," or to consolidate the new Diocese, was strictly scrutinized in the Legislature, in order to discover if the aim and object were not to sow the seminal seed of discord, and insidiously bring the whole Church under the full control of a heterodox Bishop. The spirit thus evoked will be found below.

On the 8th March, Mr. Partelow moved the order of the day, that the House go into a Committee of the whole in further consideration of the Supplies to be granted for the public service. No discussion of importance arose until Mr. J. A. Street moved the following Resolution—"That

"there be granted to the Venerable the Archdeacon Coster, "on behalf of the Church Society of New Brunswick, the "sum of £7 2 5, being a return of duties paid on books "of a religious character, imported for distribution by the "said Society." Mr. End wished to know if there were any of the Oxford Tracts included in the importation, for which a return of duties were asked. Mr. Street said he was not aware—but he did not think that such Tracts were likely to be among them. Mr. End contended that such Tracts were calculated to do harm—therefore the duties should not be returned. Mr. Crane (he said) had imported objectionable books in the same way, and he (Mr. End) thought the public money ought not to be expended, unless the Committee knew the character of the books imported. Mr. Taylor remarked, in substance, that he would oppose no grant for books in unison with the declared Articles of the Church of England; but he was fully satisfied that the books then under consideration were not calculated to propagate *the true doctrine of that Church.* He knew that many of them were objectionable and dangerous. Mr. Barbarie was satisfied that the books were all right, and would do no harm to none who did not seek to do mischief to themselves, in consequence of their narrow, contracted views. Mr. Wark named a number of the books which he considered to be objectionable. (The names are not given in the reported speech.) But he said there were many other Societies which imported books, calculated to have a bad tendency, besides the Church Society. Mr. S. Earle said that it appeared to him that it was only necessary to mention the word Church, to have immediate opposition to whatever was proposed. Mr. Hanington denounced the controversy upon so futile a pretext for withholding the grant. Mr. Fisher would support the resolution—if upon no other ground than that of charity—charity to all denominations, for the dissemination of all books not repugnant to the teachings of the Scriptures. Mr. Wilmot remarked, that though he was not opposed to the grant—nor yet willing to scrutinize the character of the books—still it had lately become obvious to every observer that errors of an alarming kind had exhibited themselves within the pale of the

Church of England.* "It is with grief and pain (said Mr. "W.) that within a few months past I have found that from "one of the pulpits in Fredericton, instead of 'peace on earth "and good will towards men,' being preached, there have "been a series of unchristian tirades against Dissenters, and "the most untiring efforts to stir up strife and dissension "among differing denominations who have heretofore lived "together in christian harmony and good will." Mr. Brown could not allow to the Church of England in this Colony any privilege which he did not claim as belonging equally to the Church of Scotland. He said the Oxford Tracts and Dr. Pusey had been discussed. He was himself aware, that in the most celebrated of Dr. Pusey's Tracts, the doctrine of transubstantiation was almost openly acknowledged, and in his (Mr. B.'s) opinion, it was intended by the high-church party to support that doctrine. Mr. Boyd said that the present discussion did not originate with the Dissenters, but with the Churchmen themselves, who now appeared in the House as members of a divided Church. Other members spoke after Mr. Boyd. The resolution was finally sustained without a division.

Happily, at the present day, we are free from all such religious bickerings and jealousies—there is no attempt at Church dominancy, socially or politically. The spirit of the times is repugnant to a desire, even if it existed, for undue ascendancy—one denomination over another. By common consent the sword of dissension has been sheathed. Politics and Religion have thus liberally kept pace with each other. The Pulpit resounds no where in New Brunswick with the bigotted tirades of a contracted Theology. Ministers and Laymen, for the sake of the great essentials of Christianity, have long since agreed to differ over minor and unimportant matters. Each denomination peacefully pursues the tenor of its way, without clashing, or interfering, one with another.

The next subject of interest was Mr. J. A. Street's Bill, for the Registry of Votes at Elections. This was a fair trial of strength on both sides, and the most powerful efforts, of influence and talent, were brought to bear upon it. It lasted

* Vide Head Quarters, March 12, 1845—(then published by Mr. Phillips.)

for the greater part of the day, (the 10th), and on a division, the numbers were, 15—15; and Mr. Gilbert, who filled the Chair of the Committee, decided in its favour. His Honor the Speaker, however, who was a warm advocate for it while in debate, decided that the Bill was virtually lost in the House, as two hon. members, Messrs. Fisher and End, who were absent on business, would, if present, have voted against it. It was then decided that progress should be reported, the Hon. Mr. Hazen promising that he would assist its framer in making it more perfect.

(The discussion was renewed on the 14th, and the Bill thrown out—15 to 12.)

The Legislative Council sent down their assent to a Bill which had previously passed the House, (considered at the time to be highly important), for abolishing the fee of 30s., paid into the Secretary's Office by Ministers of different denominations, in order to the solemnization of Matrimony. The payment of this fee was always objected to. Lengthy discussions in the newspapers were for many years carried on—for and against the principle. The exaction was pronounced by the opposition to be repugnant to the spirit of the Marriage Act.

The Council also assented to a Bill for transferring the fees that had always been paid into the Secretary's Office—and appropriated by the Secretary as his private perquisites, amounting to about £500 a year—over to the Receiver General, to be placed by him into the general revenues of the Province. This was also thought to be an important step in the right direction.

A Bill, introduced by Hon. Mr. Simonds, was taken up for discussion—the object of which was the "Incorporation of the Roman Catholic Bishop in New Brunswick"—which finally passed the House unanimously. It appears that Mr. End had introduced a Bill for a similar purpose the year before, which was lost in the Legislative Council, through the opposition of the Law Officers of the Crown, who asserted that it was unconstitutional. Mr. End now complained that he had been unfairly dealt with, that supposing the Law Officers were of the same opinion as they were last year, he conceived it useless to introduce such a Bill again. Hon. Mr.

Simonds stated that the Bill had the sanction of the Government, and had been examined by the Law Officers of the Crown, who saw nothing objectionable in its provisions—that the Right Rev. Dr. Dollard, the present Bishop, approved of it, and was very desirous that it should pass; that it was copied from a Bill which had recently passed in Canada, and had been delayed for the purpose of procuring the Canada Bill.—Messrs. Hazen and Fisher commented severely upon the observations which were made in the Legislative Council last Session.

On the 14th April the Legislature was prorogued. In His Excellency's speech an indirect reference is made to the late misunderstanding between the head of the Government and his advisers. This Session perhaps had been one of the most stormy in our Provincial Record. It required just such pebbles to be thrown into the brook, (Mr. Reade's appointment), to cause a ripple upon the political surface, which had up to this time been calm and stagnant. The various attacks heretofore upon, and in defence of, the Government, were looked upon as mere matters of routine, consequently of indifference. It was well known that the Liberals were in a large minority —therefore harmless to disturb the established order of things. But a new and unexpected political phase is now presented. The Governor himself casts the first stone into the Conservative strong-hold. The danger this time comes from an enemy close at hand—not without the circle—a danger that must be met and overcome, even though it should wring from those who had always been slow to avow it, a declaration of liberal sentiments, a full admission of the rights due to the people, even by the Queen's Representative, notwithstanding the sacredness of the prerogative, or anything else that might stand in the way of a Politician's interpretation of a constitutional problem. The recantation of a heresy, however, upon a sudden emergency, should by no means be taken as an evidence of good faith.

(1846.)

CHAPTER X.

Reorganization of the Government—The Liberals without a Seat—Vacation of Seats of Members on accepting office—Despatch from Colonial Secretary on the subject—Despatches in reference to Mr. Reade's appointment—Liberals and Conservatives—Mr. End's complaint—Political Creed of Hon. Mr. Simonds—Henry Bliss, Esquire, Provincial Agent in London—Temporalities of the Church of England—The Free Pew system.

The work of agitation for Executive reform had so far progressed, that during the recess the Government gave unmistakable signs of decay, which were followed by rumours circulated from time to time, that a disruption, or something very much akin to it, had taken place, and the Governor was left without advisers. The Legislature was called together on the 29th January. The opening Speech premonised nothing of a specific character, unless it was the Inter-Colonial Railroad, the construction and advantages of which were earnestly recommended. In answer to Mr. Partelow, on the 29th January, Hon. Colonel Allen remarked that all the members of the Executive Council had resigned their seats; and that His Excellency, he thought, would be prepared in a few days to name their successors. On the 5th February, the Hon. R. L. Hazen announced to the House the formation of a new Government, as follows: the Hon. the Attorney General (Peters?) Colonel Shore, E. B. Chandler, Hugh Johnston, R. L. Hazen—five in all. It will be seen by the

personnel of this Council, that the old leaven was still maintained—that there was no advance in the cause of the responsible principle—that is to say, those gentlemen did not consider that the country was yet ripe enough for it. The Liberals (especially L. A. Wilmot) who held seats at the time of the Reade difficulty, were omitted in the new formation. The complaint in the Legislative Council was grounded upon the incompleteness of the Government. Instead of nine members, the Governor was only able to command the services of five. In the House, Mr. Wilmot complained that in the new arrangement there was no recognition of the principles for which the Liberals had been so long contending. He certainly thought that the Provincial Secretary* should be brought into the Government. He informed the House that he found himself unable to accept office at the present time, but was prepared to support any measures brought forward by the new Council, appearing to be for the advancement of the public good. When his resignation was tendered to Lord Stanley, it was accompanied by certain political principles. His resignation was not accepted by the Colonial Minister, and therefore his avowed principles were virtually admitted. These principles had been disregarded in the present case, and among other causes prevented him from joining his former colleagues at the present time. He blamed the late Government for agitating and endeavouring to turn the public mind against the majority of the House, as expressed during the last Session. He maintained that the Executive Council should have long since been remodelled—that notwithstanding Her Majesty's decision, they had held office to the last moment, and only bowed on the afternoon of their possible existence. With regard to the stability of the new Government, that would stand the strongest and last the longest, which was based on the approbation and good feeling of the people at large. Mr. Wilmot said he felt abased at the humiliating position of the Government at the present time; and it was a curious fact, and highly honorable and creditable to the people of this Province, that in all previous cases where difficulties and dissatisfaction had

* Hon. Mr. Saunders, of the Legislative Council, was appointed as Mr. Reade's successor.

arisen, the innovation had proceeded from the Executive, and in their applications to the Throne, the cause of the people had invariably been successful. These proceedings spoke well for the people at large, and proved that they were not actuated by factious or improper motives. Mr. Wilmot assured the House, that although he would do all in his power to assist the new Government in their endeavours to advance the interests of the country, he would at the same time watch all their motions with an attentive eye.

Thus the union of the Liberals and Conservatives to depose Mr. Reade, resulted in no practical advantage to the cause of the former, nor yet established a rule of practice for the future. It was men and not measures with the ascendant party—office and patronage—now as heretofore. Mr. Wilmot could not consistently accept a seat in the new Government, while the fundamental principles for which the Reformers contended were still ignored. There could be no Responsible Government so long as power was denied to the people to pass judgment upon the acceptance of office by individual members of the Executive—such as the offices of Provincial Secretary and Attorney General. The Lieutenant Governor was the man about this time the least to be envied. An undefined Constitution places at his disposal the exercise of the prerogative, and whenever he attempts to act in accordance with his own judgment, he is attacked by those who had always been the great sticklers for his sovereign rights and the undoubted power of Her Majesty's Representative.

On the 7th February the House went into Committee on a Bill, introduced by Mr. Fisher, for vacating the seats of Members of the Assembly in certain cases. A similar Bill had been introduced the year before and carried, but objected to by the Colonial Secretary, in consequence of "Executive Councillors" having been embraced among those who were to give up their seats on the acceptance of office. It was contrary to British usage for a member of the Government, on being appointed, to go back to his constituents for approval, unless he held an office of emolument. The present Bill, therefore, was intended to meet the objection, and have the application of the principle in other respects properly defined. The argument in opposition was, that Executive Councillors

should be included, inasmuch as though they received no pay as such, their influence in appointing to office, as well as among the constituencies, was considerable ;—again, that the Bill was defective, because it was not more general in its application, that it should include supervisors, school inspectors—in fact every one who had the expending of the public moneys, even though the amount should not exceed ten pounds. The discussion occupied the whole day.

Mr. Hanington finally moved to expunge the words "Attorney General, Solicitor General, Advocate General, "Clerk of the Pleas, Secretary, Surveyor General, or any "office, commission, or appointment, connected with or "relating to the collection, expenditure, or auditing of the "Revenue of this Province, or any part thereof;"

And insert the following : "The office of Executive Coun- "cillor, or any place or office of profit having emolument "or compensation arising therefrom, amounting to more "than ten pounds per annum, whether such profit, emolu- "ment, or compensation, shall arise from salary, fees, com- "mission on the expenditure or collection of public money, "or in any other way whatever."

The question being put on the amendment, the division stood thus : *Yeas*—Messrs. Palmer, Taylor, Stewart, Hanington, Botsford, Partelow, Jordan, Scoullar, Gilbert, Barbarie, Smith—11.

Nays—Speaker, (Weldon), Hon. Mr. Hazen; Messrs. Rankin, Hill, Boyd, Wark, Barker, M'Leod, Fisher, Wilmot, Payne, S. Earle, Jordan, End, Thomson, Perley (C.), Brown, Street (W. H.)—18.

The amendment, therefore, being rejected, the original Bill, with a few slight amendments, was carried, and sent up to the Council.*

On the 12th February, on motion of Mr. Partelow, the House went into Committee of the whole, in consideration of a Message from the Lieutenant Governor, based upon despatches received from the Colonial Secretary, in reference to Mr. Reade's appointment to the office of Provincial Secretary,

* The practice (1867) now is that only the Heads of Departments go back to their constituents for re-election, on accepting office—while all officials under Government, having the expending of the public moneys, are excluded altogether from the Legislature.

and disallowing the same in consequence of the expressed wishes of the Assembly made the year before to the English Government to that effect.

The lengthy debate that followed furnishes an insight into the peculiar political ideas that were entertained by hon. members in 1846, in regard to the vital principles of Responsible Government. The fancy of each member, (no matter on what side he usually voted), winged its flight upon some peculiar pegasus of its own. The notions of Liberals and Tories became so mixed up in the encounter, that it was difficult to discriminate the one set of men from the other—the former for the nonce declaring in behalf of the points gained in the despatch, on the side of the people; and the latter warning the country of the danger of changes, which threatened anarchy and confusion. Mr. End may be regarded as a type of the one class, and Mr. Simonds a type of the other,—both gentlemen no doubt influenced by the most sincere motives; but, in this debate, both having lost their relative positions, or changed sides, in obedience to what they may have considered to be the demands of the occasion. In illustration of this proposition reference will frequently be made. Mr. Wilmot complained, that instead of having the despatch from the Colonial Secretary as sent out, the House were favoured with only such extracts as His Excellency thought proper to give, and those, no doubt, of the least force, in reminding His Excellency of the mistake he had committed in appointing his son-in-law to office. He considered the House entitled to all the opinions in reference to the matter that came from the Colonial Secretary. Mr. Hazen, as leader of the Government, denied that there was anything more in the despatch touching the matter than had been communicated to the House; and His Excellency's reason for not submitting the entire document was, that it contained matters of a personal nature between His Excellency and the Colonial Secretary, but having no reference to the difficulty itself.

Each hon. member in the course of the debate vented himself at length upon the political state of the Province. One contended that Responsible Government had been recognized and established by the veto of the Colonial Secretary upon the Governor's action—while another contended that it was as far

off as ever. Mr. End, (who bore the reputation of having always worked and voted with the "compact" side of the House) dwelt forcibly upon the disadvantages of the old system, especially as they had affected his own position, and retarded his advancement. He said he had too long suffered "under the secret influences of men in power, to bear them "any longer without exposure; what reason he had given "those people for the treatment he had received, he was at a "loss to learn; but it did appear that whatever Government "happened to be organized in this country since 1835, "these influences have been more or less active. He told "them, on a former occasion, when Sir John Harvey was "about to leave this Province, he (Mr. End) called upon him, "and when about to take his leave, that honest, good hearted, "and noble minded soldier said that he was sorry he had not "known him better when he first came to the Province. He "(Mr. E.) answered His Excellency that it was no fault of "his, and wished to know the reason of the apparent cool-"ness which His Excellency on several occasions showed "towards him,—the answer was, 'I could not believe that "they would have told me such lies about you.' It was "these secret lies, these secret and hidden slanders, which "he complained of."*

Had the Conservatism of which such hon. members (as Mr. End) boasted, been less ultra in its tendencies towards the opposite party, the secret influences here complained of could not have successfully kept a talented man in the back ground. Mr. End would have risen in spite of all opposition, had he put less "confidence in Princes," and more in the cause of popular rights and liberal institutions. No secret cabal, or influence, can for a lengthened time work to the detriment of character and talents. Mr. End, when in public life, was acknowledged to be a man of superior parts —but like others, who seemed to want judgment at the right time, he fell short of the prize just as it was within his reach. This gentleman should have been the foremost man of the day, and the *leader*, instead of the follower, of a great party. Men of far less abilities have grasped the helm in this Province, and steered a most successful course through the Legislature.

* See Head Quarters, February 18.

While the system of Government, in 1846, was in a transition state, the most confused opinions were entertained, even by experienced speakers. In illustration of this, the remarks of the Hon. Mr. Simonds upon the Reade difficulty are given below. This hon. gentleman was a power in the House. With talents far less brilliant than those of the gentleman alluded to in the previous paragraph, Mr. Simonds was at one time recognized as one of the stoutest pillars of the Liberal party. He had made himself obnoxious to the Conservatives on account of his extreme liberal views and actions. Having been the means of gaining large concessions to the people, all in fact, that he ever conceived were needed, or would be for very many years, he was now satisfied with things as they were, and could not brook the idea of more advanced liberals sailing beside and ahead of him; no doubt the hon. gentleman was perfectly honest in his convictions; but it will be allowed that his predictions contained in the speech uttered in the course of the debate, have not been verified by experience. The arguments he made use of against Responsible Government, contained the pith and marrow of all that could possibly be said on that side. If after twenty years experience, it has not been as successful as its advocates promised, it has certainly turned out a great deal better than its opponents had predicted. 'Hon. Mr. Simonds hoped hon. members would be better 'advised before they took it for granted that Responsible 'Government was established in this country. The Com-'mittee was now threatened with a debate on that subject, 'and the country threatened with the adoption of the sys-'tem. All that he would then say on the subject was, that 'in his opinion, it would never do for any British Colony. 'He had already given his opinion on the subject, and would 'do so again when the matter came up in debate. His 'opinion was, that the less they meddled with these new-'fangled schemes the better. It was taken for granted that 'whenever a vote of want of confidence in the Government 'should pass that House, and an Address to that effect laid 'at the foot of the Throne, the Council must retire or the 'House must be dissolved. He took it for granted, that 'the moment a vote of want of confidence passed, the Coun-

'cil would tender their resignations; that had always been 'the case, and if they were not accepted, then the Address 'would be forwarded, and according to this doctrine, the 'Council would be turned out. He would ask the Com-'mittee what practical benefit arose from this state of things? 'It was no hardship for an Executive Councillor to resign 'his office; in many cases it was a relief instead of a punish-'ment; they lost nothing by being turned out, and they 'could not be punished if they had done wrong. There was 'no man really responsible for the good government of the 'Province but the Lieutenant Governor himself; it is he 'alone that is responsible for the acts of the Executive. The 'present Executive Council he considered quite large enough; 'and he believed the business of the country could be as well 'managed with five as with nine, or any greater number. 'He wished them every success in the arduous duties they 'had undertaken, and would again warn the Committee of 'the dangerous tendency of the doctrines of Responsible 'Government. It was, as last year he had described it, "a 'spectre, pushing agitation before it with one hand, and drag-'ging rebellion after it with another."'

The debate upon this question was finally closed as it began, without a policy or any rule being laid down for future action in cases of a similar emergency. Thus terminated the Reade difficulty.

His Honor the Speaker communicated to the House that he had received a letter by the mail from Henry Bliss, Esquire, Provincial Agent, London,* which was read at the Clerk's table. Mr. Bliss informed the House of the proposed alteration of the Corn Laws, and the scale of duties submitted to Parliament by Sir Robert Peel. He said, that it is not known exactly what alterations may be proposed by the Premier, with regard to the timber duties, his Lordship not having submitted the details; he seemed to think, however, that a reduction of five shillings a load would be made on the Baltic timber, and that a further gradual reduction would take place, to a certain amount. Mr. Bliss

* Mr. Bliss was at this time the Provincial Agent, for looking after our interests in England—his salary, paid by this Province, was £200 sterling a year. His services were useful, but as a general thing, questionable as to whether they were worth the cost to the Province.

remarked, with some degree of warmth, upon the conduct of Sir Robert Peel, with regard to the proposed alterations before mentioned; and remarked, that he (Mr. B.) never thought he would have done so; and trusts that such measures will not pass the House of Parliament. He seemed to fear that the consequences to the Colonies, should they pass, will be extremely injurious. He further remarked, that the friends of the Protective system intend, if possible, to force the Government into a dissolution of Parliament—and that they feel quite sanguine of being able to return a majority against the measures, and thereby defeat their passage. Mr. B. also enclosed a copy of a letter written by him, as Provincial Agent, to Sir Robert Peel, upon the subject of the proposed alterations—in which he contended for the interests of the Colonies, &c. &c.

A Bill to provide for the management of the temporalities of the Church of England in this Province, in certain cases, having passed the House of Assembly, was committed for discussion in the Legislative Council on the 24th February, and as the principles, contained therein, are of a nature to interest Churchmen as well as others at the present day, when the "free pew system" is still a subject upon which opinions differ, it may not be out of place here to cite the views expressed by staunch Churchmen twenty years ago, in that then most Conservative body—the Legislative Council—composed as it was, with a few exceptions, of Churchmen. The Attorney General* stated that this Act (above referred to) had become necessary, from an inadvertency of the Legislature. The foundation of all Church Corporations, [of the Church of England,] in this Province, was the Act 29 Geo. 3, c. 1, which first erected the Parish of the City of Saint John, and also incorporated other Rectors, Church Wardens and Vestries in the Province. That Act provided, that the *Parishioners* in Saint John should elect Church Wardens and Vestrymen; and so the practice was for a long time. But at length it was found, that the word "*Parishioners*" was too general a term; there was no discrimination or definition of who should be qualified to vote or eligible to be elected; and so it happened that Dissenters of

* See Head Quarters, February 28.

all denominations voted at elections of Church Wardens and Vestrymen. To remedy this, another Act was passed, to change the qualification of voters at Church elections, from "*Parishioners*" to "*Pew-holders;*" and so it stood, as a general rule, till 1836. But it happened, that the Parish of Portland, having no Parish Church, had erected a small building for that purpose; but, being entirely a Free Church, where all the sittings were open and free, there were no pew-holders, and no means, therefore, under the Law, of electing or constituting a Church Corporation. In 1836, therefore, an Act was passed (6 Will. 4, c. 3,) to remedy this difficulty; that Act declared Grace Church to be the Parish Church of Portland, till another should be built; pointed out who should be qualified to choose and to be chosen Church Wardens and Vestrymen in that Parish; the parties being required to be resident Subscribers to the funds of the Church, communicants and stated attendants at the Church, instead of being pew-holders as in other Parishes; and declared that the same principle and mode of forming a Church Corporation should be applied to all other Churches in the Province, where the sittings were all declared to be free. But in time Grace Church was found to be too small; another and larger Church was then built in the Parish of Portland, principally by means of liberal donations and subscriptions of the Parishioners; but it was found necessary, in order to complete the building, and to support the Clergyman, that it should be fitted up with pews, and the pews sold and rented as in other Parish Churches; a condition being however made, that not less than 250 sittings in the Church should for ever be reserved as free seats, for the accommodation of the poor. To effect this arrangement, a Legislative enactment was necessary; and accordingly, the Act 4 Vic. c. 3, was passed in 1841, declaring the new Church of Saint Luke to be the Parish Church of Portland, instead of Grace Church, and wholly repealing the former Act of 6 Will. 4, c. 3. By the entire repeal of that Act, the provision for other Free Churches in the Province was inadvertently repealed also; and thus the Corporations of such Free Churches which may have already been erected, as well as any others to be erected, must be wholly null and void;

there being now no law in existence to authorize such Corporations. To remedy this evil, the present Bill was brought in, to declare how such Free Churches should henceforth be regulated; and the Bill therefore was merely meant to restore the object originally intended by the repealed Portland Church Act. There appeared, however, to be an alteration or omission in this Bill, of a provision contained in the former Act, which prescribed the manner in which the Parishioners of any Church already erected should declare the sittings to be free. He (Hon. Attorney General) had therefore prepared an amendment to supply this deficiency. This Bill stated, that the majority of the pew-holders might make such declaration; but the original Portland Act, by the 5th Section, provided that its principle should be extended "to any Church already erected, in which the Rec-"tor, Church Wardens and Vestry thereof, may, with the "consent and approbation of all the pew-owners and occu-"pants, to be signified in writing, declare the seats from "thenceforth free and open, &c." He (the Attorney General) wanted to make this Law exactly what the original Law was; the object of the Bill was merely to restore the provisions of that Act which had inadvertently been repealed, as related to the constituting of Corporations for Free Churches; and he had therefore prepared this amendment, to render the Law exactly what it was originally intended to be.

The amendment proposed by the Attorney General, although it appeared trifling upon the surface, involved a most vital principle. To restore the original Act, was considered by the opponents of the amendment as a most fatal blow at the successful working of the measure—for the Act provided that if only one pew-holder should dissent to the sittings being free, his voice would be as effective, and override that of the whole congregation combined.

The debate, which continued several days, brought out the views and feelings of Churchmen, for and against free pews, in a most exhaustive manner. All that could be advanced on both sides seems to have been done with vigour and ability; and it would be difficult for a disinterested person to say which side had the best of the argument. The force of the

whole debate may be summed up in the quotations here made from two of the speeches on opposite sides :—

The Hon. Mr. Botsford remarked that*—"The Bill was "an attack upon the pew-system; and he was convinced "that half of the Churches in the Province never would have "been built, but for the present pew-system. What would "keep those Churches in repair; what would provide funds "for the support of the Clergy, but that pew-system? Those "who were acquainted with the country knew well, that "unless some such means existed of obtaining funds to "build Churches, and to sustain them, Churches would not "be erected at all; and even if they were erected, they could "not be kept in repair. What would be the effect of this "Bill, if passed as it came up to this House? Why, to "destroy the present pew-system, and to deprive pew-holders "of their property. And how was this to be done? Was "it to be effected by the vote and consent of every person "who had given his money towards building his Church, "and who possessed a pew in that Church? Certainly not; "but it was to be left to a majority to declare that the "Church should be free; that pews should be abolished; "it was left extremely vague in this Bill, how the object was "to be effected; and why was there such an extremely "important omission in the Bill, rendering it so different "from the former Act, of which it professed only to be a "revival? Why was that original provision left out in this "Bill, and power given to a majority of pew-holders to do "away with the rights and property of the minority? But the "people of this Province were of such a stamp, that even if "this Bill should pass, (although some dissension might be "caused by it for a time), yet there would be found to be but "one feeling prevailing in the Province, to keep up the Church "in the same manner and on the same footing as it always had "been kept up heretofore; they would keep it up on the "same principles, and on the same system, as it had been "handed down to them by their forefathers. And why was "it now asked to do away with that system? It was urged, "by those who were thus assailing established usages, that "they were merely non-essential forms and customs; it

*Head Quarters, February 28.

" might be so, but those who had long been accustomed to " them might consider them essential."

The Hon. Mr. Saunders was decidedly in favour of free pews. Some of his arguments were as follows—they are worthy of quotation, as an exhibition of a tolerant spirit. He said " as to pews in Churches, he would contend, that pews " were entitled to no sympathy or consideration; and as to " existing Churches having been built by the moneys of the " pew-owners or others, he would show what really were " the moneys by which those Churches had been built; and " how far the sticklers for the pew-system were justly entitled " to sympathy. He hailed this Bill as a measure which he " considered would do away with a most objectionable sys- " tem; a system which, by sanctioning the sale of pews in " Churches, was a violation of the common law, and was an " unchristian and unjustifiable system. If the Church system " in this country were fairly examined, it would be seen that " changes were absolutely necessary; and he would endea- " vour to prove that necessity. First, with regard to the " pew-system; and in order to make his remarks as brief as " possible, he would confine them to the principal Parish " Churches in the Province; viz. those of Saint John, Fred- " ericton, and Saint Andrews. It must be admitted, that " the moment pews in Churches were set up for sale, every " individual who could not come up to the *minimum* price, " was thereby virtually excluded from entering the Church " at all; every person who was not a pew-holder must feel " himself shut out; he must feel that he had not purchased " a footing in the Church, and could not appear there. " What were the usual prices of pews? Why, even the *mini-* " *mum* price excluded the poor, the humbler classes, the most " numerous portion of society. The lowest prices of pews, " say from £5 to £10 each, shut out the labourer, the man " who lives by his daily bread; the first principle of such a " system was to exclude from the Church by far the larger " portion of the community." * * * " In 1831 a law " was passed, which trampled on the whole rights of mem- " bers of the Church, of communicants, of stated hearers, " and renters of pews; and transferred the right of voting " and of being elected from occupants and renters of pews,

" to the sole owners of pews, although those sole owners
" were not even required to be Parishioners. What an iniqui-
" tous law was this, by which the whole body of Parishioners
" were deprived of that common law right, to which they
" had ever been entitled, and which they had till then justly
" enjoyed; a law by which the rich got rid of all the poor
" and humbler classes of persons belonging to the Church,
" and confined its privileges and franchises to the few wealthy
" parties who were able to purchase pews, though they might
" not even be resident in the Parish? What a law to intro-
" duce, when every Parishioner had an inherent right to vote
" and to be elected, in regard to the management of the
" temporalities of his Church! Now what had been the
" operation of this law; how had this glorious system pros-
" pered, and what effect had it had on the Church? In Saint
" Andrews, in 1806, the Church was numerously and respec-
" tably attended. But if a person were now, in 1846, to visit
" Saint Andrews, he would find that Church with a congre-
" gation, almost exactly the same in number as it was forty
" years ago; excepting only, that by the enlargement of the
" Church, about twelve pews had been added to it. In 1806
" the population of Saint Andrews was, perhaps, nearly three
" hundred persons, all of whom were seen of a Sunday within
" the walls of their Parish Church. In 1846, it was found,
" that even with these additional pews, the congregation
" had but very slightly varied in number, although the popu-
" lation of the town was very nearly four thousand. The
" very circumstance, that Free Churches, of other denomi-
" nations, had in the mean time been built, showed that the
" Church of England had not prospered there; it had indeed
" been nearly stationary for forty years, having perhaps not
" added more than forty persons to its congregation in that
" time, or an average of one in each year. It was said that
" a great proportion of the present population were Roman
" Catholics; but had those 300 persons, who formed the
" Church congregation forty years ago, no descendants—was
" there no increase of population in all that time from that
" body of persons? Why, new generations had sprung up
" and multiplied in that time; therefore the thing was con-
" vincing with regard to the Church at Saint Andrews. But

" now to come nearer home, to the Church in Fredericton.
" He (Hon. Mr. S.) could not say what its congregation num-
" bered in 1806, but he believed it then included the whole
" body of Church-going people in the town. He remem-
" bered that in 1817 he used to see the Church crowded,
" even full to overflowing. In 1830, after a considerable
" absence from this country, he returned to the Province,
" and then he observed that the congregation had become
" very thin; and from that period to the present it had been
" nearly stationary. In making these remarks, he begged
" most distinctly to observe, that he made no allusion what-
" ever, and imputed nothing in the least degree to indivi-
" duals; it was not persons that he found fault with, but it
" was merely the effect of the pew-system. A Rector now
" came into a Parish, and what did he find? He found him-
" self a Rector of the pew-holders of the Parish; of a few
" rich individuals; he knew nothing of the poor; they were
" not to be found in his Church; one must go to other con-
" gregations to look for the poor. He (Hon. Mr. S.) believed
" that out of the four or five hundred people attending the
" Church in Fredericton, there were not above thirty or forty
" who could really be looked upon as belonging to the hum-
" bler classes. Was this a system that it was desirable to
" change or to cling to? Where were the descendants of
" those persons who sat in that Church in 1806? Many of
" them were gone to other places of worship; they had joined
" other denominations; there were individuals who had left
" that Church, within his own knowledge, whose families
" had grown up into extensive communities; and many of
" them had left it because they had not the means of getting
" accommodation in the Church. One of the things that
" had had a most injurious effect on the Church had been the
" pew-system. It might, perhaps, have been in some few
" instances alleviated, particularly in Saint John; but even
" there he thought his remarks were almost as applicable as
" they were here; although in that City they had been
" favoured with a succession of most zealous, devoted, and
" pious clergymen, who had exerted themselves to the utmost
" in their holy vocation. But the pew-system was one which
" the friends of the Church were bound by every principle,

" whether of christianity, of fair play, or of common law, to " use their utmost efforts to abolish."

The remarks made by the Hon. Mr. Minchin were also good. He said " but it was strange that there should be so " much opposition to this proposal, from a few individuals, " when so many of the principal pew-holders in the Church " of Fredericton had set a better example.* His Honor the " Chief Justice had offered to give up his large and beautiful " seat, which was one of the choicest in the whole Church; " so had the Master of the Rolls; so had Judge Carter; so " had Judge Street; and so had an hon. member of this " House, (Hon. W. H. Robinson), and many others; and " when it was known that there were so very few individuals " holding out against the wishes of nearly all the congrega- " tion, it would surely be a great injustice to allow those few " individuals to prevail. It had been said yesterday, by an " hon. and learned member, (Hon. Mr. Kinnear), that even " if pews were abolished, the exclusive system would still be " carried on; that the proud and haughty would crowd toge- " ther into particular corners and portions of the Church, in " order to keep as far aloof as possible from the generality. " But he (Hon. Mr. M.) did not believe that would be the " case; it might perhaps be done two or three times in the " early days of the alteration; it might last for a little while; " but such persons would soon see the folly of it; such con- " duct would be so conspicuous and glaring that it would " soon cure itself; and the good sense of the parties them- " selves would induce them to give up such a practice. He " (Hon. Mr. Minchin) was formerly an advocate for close " pews, although he had always desired to see a proportion " of free seats in every Church; he did not deny that he

*Mr. Minchin had reference to Christ Church, which formerly occupied the present Cathedral site, or adjacent to it. The Bishop required the ground for the Cathedral, and also the introduction of the free sitting principle in connection with the new erection. The pew-holders were loth to part with their privileges and the demolition of their old Church. Many of them held out for a long time. The revival of the old Act, as contemplated in the amendment to the Bill, would therefore prevent any change, even if one pew-holder refused his assent—the consequence would have been that the Cathedral would have had to be built elsewhere; for there would not have been Churchmen enough in Fredericton, not having pews in Christ Church, to have made an attendance in the Cathedral anything like respectable in numbers. The difficulty, however, was finally overcome, as, with very few exceptions, the pew-owners consented to the proposed change, and the demolition of the old Church.

"formerly stood up for close pews; but since he had seen, "in other countries, Free Churches, and the effect of the "free seat system, he had wholly altered his opinions on the "subject, and had entirely abandoned all partiality for the "exclusive system."

The question was finally taken on the amendment by the Attorney General—(which was in effect that one dissentient voice in a Church could prevent its being made free)—when it was carried in the affirmative, as follows :—

Contents—Hon. Mr. President, Hon. Messrs. Robinson, Attorney General, Botsford, Chandler, Wyer, Hatch, Kinnear, Johnston, and Owen—10.

Non-Contents—Hon. Messrs. Shore, Saunders, and Minchin—3.

The 1st Section of the Bill, as amended, being then agreed to, the Committee proceeded with the further details of the Bill, the discussion on which was only of a desultory nature.

Hon. Mr. Botsford moved as an amendment, that the qualification for voting be 20s. per annum, instead of 5s., as proposed by the Bill, which was also carried in the affirmative. Division as follows :—

Contents—Hon. Mr. President, Hon. Messrs. Robinson, Attorney General, Botsford, Wyer, Hatch, Johnston, and Owen—8.

Non-Contents—Hon. Messrs. Shore, Saunders, Chandler, Kinnear, and Minchin—5.

The Bill as amended was then agreed to.

The Bill having been referred back to the Assembly as amended, was rejected by that body.

CHAPTER XI.

Parish Schools — Defective system — Character of Teachers — Flogging in Schools — Sums annually expended in support of Education — Apathy of Parents — Teachers boarding around — A speculating School Master — Taxation for the support of Schools — Railway Measure — Subsidies — Origin of the Halifax and Quebec Railway Scheme.

On the 12th March, on motion of Mr. Brown, the House went into Committee of the whole on a Bill to regulate Parish Schools. A debate followed, which occupied several days, in the course of which the bad features of the School system of this Province were exposed and condemned. From this debate the most prominent objections raised by hon. members are here given—enough to show the defects of the old system, and the little value obtained for the $60,000 outlay, which was about the annual Provincial allowance for educational purposes. 1st. The school houses were small, ill-ventilated, often filthy, always unsuitable for the purposes intended. 2nd. The School Teachers, as a general thing, were uneducated and unfit for the duties of their calling. 3rd. The Books used were not all alike in all the schools—some being of one description, some of another—in fact any spelling or arithmetical books that could be picked up, were used without regard to uniformity. 4th. The public, in the rural districts particularly, were apathetic, and took but little interest in the educational wants of their children.

Wherever a school was planted, the Teacher, if recognized by the inhabitants in the vicinity, received a grant of £20

from the Province—the remainder of his salary was made up by school subscriptions, seldom amounting to much—while the Teacher "boarded round," as it was called, a certain number of families agreeing to provide for him at their own cost, for a certain period—perhaps a few months at a time at each house. Thus the Teacher, if a sensitive man, was placed in a position to feel that he was the recipient of eleemosynary support, and often had to submit to great inconveniences. His pay, at least, was not worth to him, board included, £100 a year. The condition of a Teacher could not well have been worse. Hence the ill-favoured class of men, of which complaint was made—the wonder is not that such a class existed, but that any man of even ordinary intelligence, could be had at all to undertake the duties of a Teacher, when there were so many other channels of business open for ordinary capacities, yielding far better returns. Nor is it any wonder that the educational system of the Province should have been so inefficient, when the very first cause of the trouble—viz: a proper provision for competent Teachers—should have been so much overlooked, or neglected altogether. The same amount of money, (say $60,000 a year), by judicious appropriation, would have been sufficient to have insured all, or nearly all that was wanted. A less number of schools and better pay to the Teachers might have afforded far greater encouragement. In his speech Mr. Payne remarked, "that the amount received from the Pro-
"vince was so small, and the people so unwilling to contri-
"bute to the support of School Masters, that they were often
"obliged to pick up just such Teachers as they could find.
"Applications came frequently to Saint John for School
"Teachers for different schools in the country; and he could
"assure the Committee that in some cases, they had been
"obliged to wait in the Market place, when an Emigrant
"vessel arrived, and ask if there was any one qualified and
"willing to take charge of a school in the country."

Mr. Gilbert, of Queen's, remarked that "teaching in a
"school was almost the last calling in which any one would
"engage, and it was only those who were ruined both in
"body and estate, who would continue in that employment.
"The halt, the lame, and the maimed—those who were good

" for nothing else—might continue to be Parish School Mas-
" ters in the country, for no one else would. There was a
" School Master who had been highly recommended, and the
" School Trustees were anxious to secure his services. They
" accordingly raised his salary to the amount of £75, and the
" first thing they knew he was engaged in speculating in
" lands, out in the morning looking after his own business,*
" and in the evening doing the same thing—during school
" hours he was occupied in his school room, but he turned
" out as indifferent a School Master as they ever had. So it
" would be to the end of the chapter. They could not get
" efficient School Masters to stay with them longer than they
" could get enough to enable them to do something else."

One would suppose that the concurrent testimony of all who took part in the debate, would have led to an immediate change. The hand of reform, however, at this day, no matter what way directed, was powerless for good. Nothing substantial resulted from the exertions of those who saw and felt the absolute necessity there was for something to be done—for the elevation of the Teacher, the improvement of the pupil, and the substitution of a system in which the country might have confidence.

The design of Mr. Brown's Bill was to meet the most prominent objections to the law—viz: to provide for a Normal or proper Training School, for the education of those who were to become Teachers. (Mr. Brown thought that besides this Training School there should also be an efficient Board of Education.) After providing for a supply of competent Teachers, the next primary object in the Bill was the supply of a uniform and unobjectionable set of books, to be used in all schools receiving Legislative aid.

These were about the two principal provisions of Mr. Brown's Bill—which, if sustained, would have led to a correction of many of the existing abuses.

The apathy of the people in educational matters was complained of by the leading speakers, and censured with deserved warmth. Mr. (L. A.) Wilmot remarked :—

* A wise man truly, so long as his private speculations did not interfere with his School obligations—the man was to be commended for his enterprise, especially when the small amount of his salary is taken into consideration.

"Before he sat down he must again revert to the greatest difficulty which has to be encountered to render the provisions of that Bill effective in promoting a better system of education in the Parish Schools. This was a difficulty which in this country legislation could not reach—he earnestly wished it could. He meant the apathy of the parents themselves. The hon. member now in the Chair could bear him witness to the extent to which this apathy prevailed even in this County at this day. That hon. member, when out of the Chair, could tell the Committee that in a certain district of this County where there was no school house, a philanthropic individual had told the inhabitants that if they would get out a frame and provide the boards, he would at his own expense provide nails, glass, locks, and the necessary materials for finishing a school house. What was the result? They did get out the frame and raised it, and when he and the Hon. Chairman had occasion to visit that part of the County together, they enquired why they did not go on to finish it. The worthy individual who had made the proposition, and bought and had in his house, the materials for finishing the building, told them that the inhabitants of the district would not find the boards, and in consequence of that, this erection of the school house had not been gone on with. A gentleman then present (he would not mention names as the Chairman might blush) offered to give them the boards from a neighbouring mill if they would go and fetch them, but even this they would not do. Although the boards, the nails, the glass, the locks, the latches—although everything was to be had without money, there was no one felt interest enough in the education of their children to go and bring them to the spot—and to this day the frame stands, as it then did, a melancholy monument of the dreadful apathy which is sometimes to be found even in this comparatively intelligent County."

To meet such apathy as this, the same speaker said that he, for one, would consent that the property of the country should be taxed, to rescue the children of the soil from a system which, instead of elevating their minds, must have a contrary effect; and if parents would persist in neglecting the education of their children, they at any rate (said Mr. Wilmot) should not escape from paying for those who had the feelings and inclination to act a better part. He repeated, he would assess the country, rather than see the Teacher of youth degraded like a servile animal; and he would assess those parents who so far forgot their duty to their children as to neglect their instruction.

Mr. J. A. Street was equally severe and liberal in his views, especially upon the assessment principle. He said:—

"The true way to remove apathy, was to engraft on that Bill, or any other Bill which might be brought forward for the purpose of improving the educational system, and awakening a general interest in its efficiency, a clause to assess the people, for the purpose of providing for the support of their schools, and for making a better provision for the Teachers. If the hon. mover of the Bill would consent to do this, and introduce a clause into the Bill to that effect, he would go with him. This would strike at the root of the greatest evil, of which the supporters of the Bill complained; for when people found they had to pay for a school in their district, they would certainly be more likely to see that they had something for their money. He was satisfied that the assessment system must be engrafted on any Bill having for its object the permanent improvement of the Parish Schools, and that otherwise it never could do any good. He was in favour of the provisions of the Bill, for establishing a Training School, and for providing a better system of books, and more efficient Teachers; but unless the country was to be assessed to pay the amount, he felt himself bound to vote against the measure."

The Hon. R. L. Hazen gave utterance to similar opinions.

"He was willing that the property of the country should be taxed for the purposes of education, and if the hon. mover would consent to introduce into that Bill a clause to that effect, he would most cheerfully support the Bill; for it was right and proper that the land of the Province should be taxed for educational purposes, and this principle he was willing and ready to adopt. But he could not and would not consent to charge the public revenues of the Province with large additional sums for the purpose of carrying out that measure. It was for the interest of the Province that those who had property should be taxed for the education of the children of those who had none, and that moment he was ready as one of the representatives of the people to agree to that measure. The principle of the Bill was no doubt good, and the establishment of that principle he believed would be productive of general benefit to the community; but at the same time, he was bound again to repeat, that unless the hon. mover of the Bill consented to introduce a clause providing for the expense of its operation by an assessment on the property of the Province, he should oppose the Bill."

Mr. Hazen at this time was leader of the Government in the Assembly; and while he was willing to vote for general

taxation for school purposes, was unwilling to support Mr. Brown's Bill, which, if sustained, would involve, as he (Mr. H.) estimated, an additional burthen of £1,800 or £2,000 upon the revenues of the Province. The principle then advocated, however—viz: a general assessment for school purposes—was far in advance of the times. It is now twenty years since this debate occurred, and yet our Legislators seem as reluctant as ever to introduce and sustain such a measure.* While the public mind was thus in a state of "academic embryo," it was perfectly safe for hon. gentlemen to support, as far as speech went, a principle so popular in the United States—viz: taxation for public schools. The speeches of hon. gentlemen, however, who felt that while they might talk up a measure, knowing at the same time that there was a majority against them, and they in their heart were with that majority, are not to be taken as the "public opinion" of the times. "Taxation for schools" has always been a popular theoretical cry. It would have required a considerable amount of hardihood in 1846 to have attempted to take people at their words, and given them a practical bearing.

If the principle of establishing a Normal or Training School was good, and presaged a vast improvement, the calculated additional cost should not have stood in the way.

Dr. Earle, of King's County, in the course of the debate, made some judicious remarks, which, at the present day, may be read with profit by School Masters and others.—"The system of flogging, which was in some cases pursued "to an unwarrantable extent, was another objection in the "management of many of their schools. He considered that "it was the duty of School Trustees to see that proper and "comfortable buildings were provided for the reception of

* The Halifax Colonist published (in 1866) a table shewing the progress of education in Nova Scotia since the adoption of direct taxation. The number of free public schools in 1865 was 667; in 1866, 906, shewing an increase of 239 schools in one year. The Colonist proceeds: "These figures are very eloquent. The fact that during the past winter 44,584 pupils enjoyed the benefits of good sound instruction, without fee or charge of any kind, is more creditable to our country than any other feature of its condition. This is a number which has never before been reached in the Province. During the winter term of 1864—the last year under the old system—the attendance was 33,265, and last year, by the table, as will be seen, it was 35,151. This is an increase of nearly 33 per cent. in two years, and of 27 in one year. There is every reason to believe that the attendance at present is not less than 50,000.

" the pupils, and that it was the duty of the Master to gain " the confidence of the child—to lead him on gradually in " his studies, and by kindness and persuasion instil into the " young mind a thirst for information, which would render " the pursuit of knowledge a pleasure rather than a task, " and induce the learner to do that from choice, which it was " often found impracticable to do by harsh treatment. " (Hear, hear.) Those Teachers who were fond of playing " the tyrant in their school-room were seldom very successful " in imparting useful information."

The hon. gentleman then referred to a flourishing school in Woodstock, where the children took great interest in attending, and all were making encouraging progress in their studies. He said " there was no rod held over the child in " that school, yet the progress of the learner was astonish- " ing. He for one would never consent to send a child of " his to a school where the rod was the chief argument; nor " would he suffer a School Master, who adopted indiscrimi- " nately the flogging system, to retain his school for an hour. " The system was odious, and ought to be discontinued. It " deadened the feelings of the child, and incapacitated it from " pursuing its studies with any degree of confidence. To " lord it over the young mind, and play the tyrant, was all " calculated to supplant those finer feelings which ought assi- " duously to be cultivated, and would never have the effect of " rendering study pleasant or profitable."

Whatever now may be the mode of Teachers in the infliction of corporal punishment, the practice at an earlier day was often excessive, cruel, barbarous. Children were flogged for trifling faults—such as not having their lessons perfectly, slight inattentions to duty, childish freaks, which at the present day are only rebuked, or threatened with, or doomed to, confinement after school hours. The fear of the rod used to keep the child in continual dread, and interfered with its studies. The rod is certainly no incentive to intellectual expansion. These observations are founded upon the experience of an eye witness, and cannot be gainsaid. There may be those, however, who still believe and will persist, that some children are so froward and self-willed that nothing but the rod can mend their ways. The writer believes

that persons holding these views, are as mistaken as those who formerly governed the Mad House or Lunatic Asylum; by whom it was considered that the patient could only be brought to his senses by severe treatment—such as the whip and the shower bath; and what are insane persons but children, men whose minds have been warped back as it were to their normal condition? But, if the school referred to by Dr. Earle, at Woodstock, could flourish in the absence of the rod, here is a strong argument in confutation of the old exploded idea, that "you must use the rod or spoil the child."* A kind, fatherly, patient, yet firm disposition, in a Teacher—a person calculated to win children rather than repel them—will make the most flourishing school, and produce the best scholars. Whereas, a morose, loud spoken, passionate, overbearing man, such as used to be frequently observed in our Village Schools, is better in the back woods among the Indians, for children intrusted to such a care will not turn out to be apt scholars; but, like their master, famous, as they grow up, for their bullying propensities, a disposition to domineer over their fellows. The diploma of a Teacher ought to be given to him as much on the grounds of his having an urbane disposition, as to his educational training, to fit him for the duties upon which he intends to enter.

Mr. Boyd, of Charlotte County, was the last speaker,

* The following case is here copied from an English paper, as an example of the cruel practices of only twenty years ago, in military life:—"The inquiry into this painful case, [the flogging of a soldier to death], was closed on Monday, the jury returning the following verdict—'That the deceased soldier, Frederick John White, died on the 11th July, 1846, from the mortal effects of a severe and cruel flogging of 150 lashes, which he received on the 15th June, 1846, at the Cavalry Barracks, on Hounslow-heath, Heston; that the said flogging was inflicted on his back and neck, under the sentence of a district court-martial, composed of officers of the 7th Regiment of Hussars, held on the 10th of June previous, duly constituted for his trial. That the said court martial was authorized by law to pass the said severe and cruel sentence; that the flogging was inflicted upon him by two farriers, in the presence of John James White, the Lieutenant Colonel, and James Low Warren, the surgeon of the said regiment; and that so and by means of the said flogging, the death of the said Frederick John White was caused.' In returning this verdict, the jury cannot refrain from expressing their horror and disgust at the existence of any law amongst the statutes or regulations of this realm, which permits the revolting punishment of flogging to be inflicted upon British soldiers; and at the same time the jury implore every man in the kingdom to join, hand and heart, in forwarding petitions to the Legislature, praying, in the most urgent terms, for the abolition of every law, order and regulation which permits the disgraceful practice of flogging to remain one moment longer a slur upon the humanity and fair name of the people of this country.

when the Chairman read the following resolution to Mr. Brown's Bill :—

"*Resolved*, That the further consideration of this Bill be postponed until the next Session of the Legislature."

Upon which the Committee divided equally, and the Chairman gave the casting vote in opposition—the discussion was therefore continued, and for the adoption of the second section, the Committee divided—13 yeas to 12 nays.

On the 18th March, however, Mr. Brown consented to withdraw his Bill. Since the vital principles of the measure could only be sustained by a bare majority of one, he thought it better (in a matter of so much importance) to allow it to stand over for another Session. The Bill was accordingly withdrawn. Thus a whole week's debate terminated in nothing more than an exposition of the real state of the school system—perhaps in that respect instrumental of good, by arousing the attention of the country to facts, which would ultimately produce wholesome fruit.

On the 25th March, on motion of Mr. Partelow, the House went into Committee of the whole, on a Bill to facilitate the building of a Railway between St. John, Fredericton, Woodstock, the Grand Falls, and the Canada line. It would be useless to follow up the discussion of this subject—a mere allusion is made to it, that the reader may see what indefinite notions were entertained at that day, with regard to the expense of building railroads, and the paying probabilities of them after they were built. The facilities promised in this Bill in aid of any Company that would undertake the work, appear now so ridiculously small, that the wonder is that any gentleman could have conceived the notion that men of capital would be enticed to take hold of them.

The advocates of the measure suggested that the Province should pledge itself to give an annual sum, for seven years, of £7,500 for the support of the railroad; but nothing was to be paid until the whole road was built and in full operation, from Saint John to the Grand Falls. Every member who spoke in support of the Bill drew largely upon his fancy in regard to the great benefits that were to accrue to every interest in the Province, so soon as this great "feeder," as it was called, should be opened for traffic. But

these fancy sketches have been so frequent with Legislators and public writers every time a new project has been mooted, (as will be explained hereafter), that politicians have come to regard them as indispensable auxiliaries in their perorations, by way of clinching their arguments and driving them home to the convictions of the masses. Suffice it to say, at all events, that the Bill was carried after several days debating, Mr. Hill having moved that the blank be filled with £7,500, and that £3,750 should be paid when either half of the line was completed and in operation!

The distance from Saint John to the Canadian boundary is probably 250 miles; and the facilities offered in the Bill were to be £7,500 a year for seven years, for the support of the road after being finished! Notwithstanding the smallness of the subsidy, our Representatives thought that their liberality would be almost enough to swamp the Province. It is needless to say that the *encouragement* thus offered failed to convince capitalists that money was to be made out of the scheme.

Compare those days of small things with a subsequent period—seventeen years afterwards—when a Government Bill was introduced, which provided that $10,000 a mile should be given as a subsidy for every specified mile of railroad that should be built by Companies. And yet these liberal facilities have not in every instance induced capitalists to embark their money in the speculations.

About this time (1846) resolutions were introduced into the Legislature of Nova Scotia, and carried, asking the co-operation of New Brunswick and Canada for the construction of a railroad from Halifax to Quebec. The Robinson & Henderson survey by the North Shore was in a year or two afterwards the result of this movement, each of the Provinces having combined heartily in favour of the road. Since then twenty two years have rolled away, and yet this great scheme is still in the bud. It is just possible, however, that our children may live to see the wish of our fathers consummated.

CHAPTER XII.

Messages from the Lieutenant Governor — Retiring Pension to Judge Botsford — Influence in his favour — The uncertainty of Politicians — High encomiums pronounced on the retiring Judge — Defeat of the Pension proposition — Remarks in reference to Pensions — Monument to the Loyalists — Movement in St. John for the erection of a Loyalist Memorial Hospital — Jealousies and disputes among the Doctors — The project falls through — Remarks upon the subject.

On the 26th March, on motion of Mr. Hill, the House went into Committee of the whole, in further consideration of Messages from His Excellency the Lieutenant Governor, which had been made the order of the day.

The following Message was read from the Chair :—

" The Lieutenant Governor informs the Assembly, that Her Majesty has been graciously pleased to accept the resignation of the Hon. William Botsford, the Senior Assistant Justice in the Supreme Court; and in consideration of his long and faithful service, it is Her Majesty's command that the Lieutenant Governor should signify her intention, with their concurrence, to grant to Mr. Botsford, during his life, a superannuation allowance, to be charged on the surplus of the Civil List Fund."

Mr. Botsford had been Judge of the Supreme Court for many years. In consideration of an imperfection in hearing—an infirmity that had been gradually growing upon him—he expressed a willingness to retire from the Bench, and it was proposed by his friends of strong Government influence, that a retiring allowance should be secured to him.

It was not at all doubted at the time that had the Judge held on to his office, until the pension part of the business had been adjusted, the ways and means would have been provided. Influence enough could have been brought to bear to carry out so reasonable a proposition. The old Conservative power had not then more than began to wane. Judges were not yet created by virtue of their political positions. The successful candidate for a vacancy on the Bench was he who had the most influence within the "Court circle." Unfortunately for Judge Botsford, or rather his advisers, they put too much confidence in the strong probability, amounting almost to a certainty in their own minds, that a request so reasonable, especially when headed by all the Conservative influence of both branches of the Legislature, could not possibly miscarry. This was a mistake, however, and it was not discovered until too late. The moment Judge Botsford resigned, Mr. Street was appointed,* and then it was, in his predecessor's case, like a man struggling upon his back against all who chose to oppose him—for with the resignation of office, Judge Botsford's chances of keeping warm his old political friends, in aim of the object contemplated, diminished—or they did not exert themselves to the extent of succeeding, as it was thought they might have done, had Judge Street been kept out until the pension asked for had first been secured.

The debate that followed this Message was earnest; but while there was a strong opposition to making the provision asked for, there was not a disrespectful word used towards the gentleman on whose account the discussion took place. Both sides of the House vied with one another in paying the late Judge the highest compliments. A few extracts from the speeches, (published in the Head Quarters at the time), will furnish an idea of the most prominent arguments used —for and against the pension principle.

Mr. Speaker Weldon said—"The retired allowance was proposed to be taken from a fund legally and strictly speaking, belonging to the Crown, and might, had the Government pleased, been appropriated without their consent, for any purpose connected with the Colony; but Her Majesty's Gov-

* With regard to hearing, the new Judge was no improvement upon his predecessor; but in all other respects a good Jurist.

ernment had not thought proper to do this, but had relied on the good feeling and justice of the Assembly for a ready compliance with the wishes of Her Majesty. He trusted the members of that Committee would comply with those wishes, and by doing so they would meet the wishes and views of the Sovereign, as well as to carry out what he believed to be the general feeling of the people in this Province towards this meritorious individual, whom they all knew deserved well of his country."

Mr. Partelow said—"That it was perfectly unnecessary to offer any additional arguments, to induce that Committee to sustain the principle of the measure, contained in the Message under consideration. He fully agreed in every word which had been said of the highly meritorious individual whose name had been mentioned in that Message. He had therefore prepared a resolution, embodying the spirit of the words of the despatch, which had just been read by His Honor the Speaker; and he hoped a large majority of that Committee would go with him in passing it.

"*Resolved*, As the opinion of this Committee, that in consideration of the long and faithful services of the Hon. William Botsford, the late Senior Assistant Justice of the Supreme Court, and of the highly honorable and elevated feeling which prompted his retirement, the House should most cordially respond to the beneficent wishes of Her Most Gracious Majesty the Queen, by concurring in a grant for a superannuation allowance during his life, to be charged on the surplus Civil List Fund; and that the House should address His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to convey such, its concurrence, to Her Majesty, to be laid at the foot of the Throne, in order that the gracious intentions of Her Majesty may be carried into effect, provided that such annuity do not exceed the sum of ———.

"This resolution, he hoped, would pass the Committee; and he intended to limit the sum to the amount of £300 per annum, which, considering the circumstances under which the hon. gentleman had resigned, he thought was a very moderate allowance indeed. The services of the Hon. Judge Botsford, it was unnecessary for him to enumerate, they had been already alluded to by the hon. gentlemen who preceded him; he should therefore conclude by moving the resolution he had read."

Dr. Earle, in the course of a lengthy speech, said—"It would be the first step towards the establishment of a Pension List, which was entirely unsuited to the circumstances

of this country; if they began by establishing this principle, they could not afterwards stop its operation; and although the sum was only £300 per annum, yet, if the principle was once established, they would soon have it up to four or five times that amount. He would, therefore, be compelled, however unwillingly, to oppose the measure."

Mr. Gilbert said—"That when the Civil List Bill had passed that House, it never was contemplated that they should be called upon to provide for a Pension Fund; and he would therefore oppose that House sanctioning its adoption. The Judges of the Supreme Court had large salaries, and he thought they could easily save enough from their annual income to form a fund for their support when superannuated. If this principle was once admitted, they might soon have more Judges; the Master of the Rolls, the Surveyor General, the Receiver General, and indeed all the principal officers of Government, on the Pension List, and create a burthen on the people of the country, which they were unable to bear. He could not consent to the recommendations contained in the Message."

Mr. Fisher remarked—"It had been admitted on all hands that the Judges received a sufficient salary, and he could not consent, in addition to the present provision which was made for them, to add to that provision a Pension List, which might, and if it be established, no doubt would, soon swallow up more than the Surplus of the Civil List Fund. In making these remarks, no one could accuse him or those who thought with him on this subject, of any wish to lessen the provision which was now made for the high and all important office of a Judge of the Supreme Court. Among all their propositions for retrenchment of the salaries of public officers in the Province, there had been but one feeling in that House with respect to the Judges, and that feeling was that their salaries should be amply sufficient to place them beyond the influence and entirely independent of the House of Assembly. He could not for a moment suppose that with the present amount of salary the Judges of the Supreme Court would be unable to provide out of their own means for the means of support when they should be overtaken by the infirmities of age. The hon. gentleman who had lately retired had received, since his elevation to the Bench, probably £20,000, and it could hardly be contended that out of that large sum of money he would have been unable to provide a sufficient sum to enable him to retire on a competency, when he felt himself unable to fulfil the very arduous duties of his station. He repeated again, that however high his respect was for the office of a Judge, he felt he would not

be doing his duty to his constituents, or to the Province, if he did not oppose the measure for granting him a retiring allowance from the surplus of the Civil List, which beyond all question was and had been admitted to belong to the people of this country, and would never be applied to any purpose without their consent."

Mr. Hanington said that if they once commenced granting retired allowances, they could not afterwards refuse the claims of other gentlemen, who might retire under similar circumstances.

Mr. John A. Street, on the side of the Pension, spoke very forcibly; and as his speech contains all that could possibly be said in favour of the measure, which was a great deal, a more lengthy extract is here made:—

"In considering the propriety of granting the retired allowance proposed to be given to the Hon. Judge Botsford, it was necessary to speak of the circumstances under which he had retired from the Bench. Hon. members must bear in mind that there was no law prescribing the particular age at which a Judge of the Supreme Court should become superannuated. It depended entirely with the Judge himself whether he should continue to hold office or retire. Now what had been the fact? This much respected Judge, finding from age and other bodily infirmities, that he was unable to perform the laborious duties of his office with the same advantage to the country as he was accustomed to do, before the infirmities incidental to old age overtook him—from a high and honorable feeling, that he could not be of that service to the country which he formerly had been—he resigned his office, and trusted to the liberality of the country to provide such allowance for his support during the few remaining years of his life, as Her Majesty might think proper to recommend. He would repeat that there was no absolute necessity of Judge Botsford's resigning, unless that honorable and most praisworthy feeling which induced, on the mind of that honorable individual, the belief that the public service might suffer from his continuing to hold an office which required the most vigorous exercises of the most vigorous mind for its proper discharge. Would they then allow this old and faithful servant of the Crown to retire voluntarily from his high office for the benefit of the country, when they had Her Majesty's express wishes laid before them, that he should be provided for? He hoped they would not do this. Judges in other places took care not to resign until they had a pension secured to them. He believed that was the case with one of the Judges in the other Province. The

services of Judge Botsford were not confined to the Bench; he had performed other services to the Province gratuitously. His Honor the Speaker had reminded them that he once presided in that House—and he had been a member of the Legislative Council, before the Legislative and Executive Councils were divided. His services in that capacity were rendered gratuitously. He had likewise discharged the duties of Solicitor General, at a time when the salary of that office was a mere nothing. In all these offices, and during the long period he was on the Bench, he had never spared himself; and when he found his bodily health and mental faculties were beginning to fail him a little—when, in short, he found that he could not do all that he had formerly been able to accomplish, he retired, thus voluntarily depriving himself of his salary, that he might benefit his country. Under such circumstances, and in compliance with the gracious intentions of Her Majesty, he hoped the Committee would support the resolution, particularly when it had been limited by the honorable mover to the small allowance of £300 per annum. By doing so they would establish no dangerous principle, a parallel case might hardly ever occur, and they would comply with the wishes of their Sovereign in rewarding him who had spent a long life of active public usefulness."

Mr. End coincided with the foregoing views.

Mr. (L. A.) Wilmot remarked—"The hon. member who last spoke had supported the grant of the retiring allowance upon the ground of its being an individual case, and not liable to be drawn into a precedent hereafter, and his Honor the Speaker supported it on the ground that Her Majesty had laid her commands upon them to provide for an old and faithful servant of the Crown. On neither of those grounds could he bring himself to go with the supporters of the original resolution. He was bound to look to the consequences of adopting that resolution, and when he did so, he was compelled to the conclusion that it would be highly prejudicial to the best interests of the Province. To the principle of a superannuated Pension List, supported at the public expense, he was decidedly opposed as being incompatible with the resources or the requirements of the Province; nor could he support the resolution on the ground of its being an individual case. He would honestly tell the Committee, that in his opinion, it would have been much more necessary for that House to interfere, had a Judge of the Supreme Court or any other high public functionary, been suddenly deprived of his property by any unforeseen dispensation of Providence; or had he been rendered incapable of discharging the duties

of his office by any sudden bodily affliction. In either case he would have gone with those who were anxious to provide for an unusual and unforeseen calamity, and either would more properly come under the denomination of an individual case; but the case before them was one of no extraordinary nature. A much respected Judge of the Supreme Court who had long held office, and who had educated a large and most respectable family, for whom he entertained feelings of the utmost good will, whatever feelings they might entertain toward him, had, from age and bodily infirmity, resigned his high office; and they were called upon to provide a pension for life, from the Surplus of the Civil List Fund. This he felt bound to oppose; he was willing to acknowledge the services of that individual; but, at the same time, he could not shut his eyes to the fact, that those services had been paid for. That Judge Botsford had, for a number of years, been in receipt of £900 a year, and that it could not reasonably be supposed that that hon. individual required public aid to enable him to spend the remainder of his days in comfort. There was another consideration of which he felt it impossible for him to divest his mind—he had inherited from his father a large and valuable patrimony which he had been able to preserve entire in consequence of his income from his office, and if they were to sanction a retiring allowance to a public officer under such circumstances, how were they to refuse a similar allowance to those who might not have such advantages? It was quite plain that if they sustained this measure, they must be prepared at once to establish a Pension List. It was impossible to isolate this case, and as they disposed of it, so must they dispose of all the others which might from time to time arise."*

The following amendment to Mr. Partelow's resolution was then read by the Chairman:—

"Whereas the amount of fourteen thousand five hundred pounds, granted to Her Majesty as a permanent Civil List, is much greater than is necessary to ensure an efficient establishment—and it being highly desirable that the same should be reduced, or that the Surplus of the Civil List Fund should be applied to the payment of the salaries of the Master of the Rolls, the Provincial Treasurer, and other Officers now chargeable on the Ordinary Revenues of the Province: And whereas the salaries charged in the said Civil List are fully as large as the circumstances of the Province, or the efficient

*It is only in cases where the subject is considered to be of sufficient interest that lengthy extracts are made, as, by the preservation in a portable form like this, of the leading ideas entertained by former politicians with regard to particular measures, those of the present, or a future day, may have information for their consideration, if not their guidance.

performance of the duties of the several Officers of the Government, either Civil or Judicial, would warrant or require: And whereas if the said Surplus Fund be absorbed by Pensions, there will be no possibility of so desirable a reduction of such Fund; therefore

"*Resolved*, As the opinion of this Committee, that the allowance of a retiring Pension to Public Officers cannot be justified on any system of sound policy, and is uncalled for in a new country like New Brunswick."

Upon the question for adopting the amendment, the Committee divided—

Yeas—Messrs. Palmer, S. Earle, Taylor, Smith, J. Earle, Thomson, Hanington, Wilmot, M'Leod, Barker, Fisher, Boyd, Hill, Brown, Gilbert—15.

Nays—Hon. Mr. Speaker, Hon. Mr. Hazen, Messrs. Barbarie, End, Stewart, Partelow, Rankin, J. A. Street, W. H. Street, Allen, Wark, Simonds, Scoullar—13.

On a recent occasion, when Her Majesty was made to express a wish, through the Colonial Department, that the people of New Brunswick should pursue a certain line of policy, it was considered to be a breach of loyalty on the part of those who did not feel like taking the advice, or rather could not, or would not, see the proposed measure in the same light with a Minister of State. If that charge held good—if those who were opposed to a particular measure were necessarily disaffected to the Crown—how much more so those who spoke and voted against the Pension for Judge Botsford, since Her Majesty so emphatically called upon her faithful Commons in New Brunswick to make provision out of a particular fund, in the distribution of which she still thought she had a voice? In those days our politicians were most famous for their professions of loyalty, especially the party in power; but notwithstanding all this, Her Majesty's wishes are disobeyed—indeed her right is questioned by those who thought that the Province had an exclusive control over the Surplus Civil List Fund.

But the writer would humbly suggest, that there can be no disloyalty in a people differing in opinion even with their Sovereign, much less with a Colonial Minister. "The subject who is truly loyal will neither advise nor submit to an act of tyranny." There was good reason, however, for supposing that Her Majesty's wishes, in the particular case of

Judge Botsford, would have been complied with, out of courtesy, if nothing more; for under the circumstances, as before remarked, had the Judge stipulated for a pension, prior to his surrender of office, he would undoubtedly have succeeded. The moral to be deduced from all this is—"Never give up a certainty for an uncertainty."

The question naturally presents itself, in this connection, whether that which Legislators so much dread—viz: a Pension List—might not be of more advantage than injury to the public interests. The fear of the principle is, that it might be abused—that officials, already with a competency, might, in some cases, imagine themselves too infirm to continue their duties, and would take advantage of the half-pay, or whatever amount it might be, in order to escape work. This might be the disposition sometimes; but provision could be made to guard against deception. It would be a rare thing for a man to retire from business upon a half loaf, while his health was good enough for the whole loaf; and it is doubtful if there are a dozen officials in all the Province, who have made money enough out of their salaries, to enable them to retire upon a competency. On the other hand, in the absence of a Pension Fund, do not the public interests suffer where infirm, incompetent men remain in office, who cannot live without their pay; and the duties are consequently discharged in an irregular, or imperfect manner; or perhaps imposed upon others, without compensation being provided for the additional labour? Instances of this are not by any means rare in British America. Suppose, for example, that Judge Botsford had been less credulous that justice would be done him in case of retiring, and continued to remain on the Bench (for there was no law to disturb him) rather than give up everything, *for nothing*, would not litigants have suffered from the effects of his infirmities? Could the scales of justice have been held with an even hand? Would not his brother Judges have been called upon to perform extra labour, or rather take an extra turn upon the Circuits?

But a Pension Fund might be established, and the public not required to pay a cent of it. The officials themselves should be their own pay-masters. Suppose when a Clerk is appointed to office, he understands his salary is to be one hun-

dred pounds, but in consideration of the probability that he might one day require to become a pensioner, one per cent., or one pound of this hundred, is to be deducted from his salary every year—and the money placed at interest. A person appointed to office under such circumstances would not stop to discuss the propriety, or impropriety, of a rule that is intended for his own benefit. It is believed that several thousand pounds might be collected in this way every year—quite ample enough in the accumulation to make provision for every case that might arise, if not some provision for the widows of deceased officials.

Mr. Partelow moved in supply for a grant of money in aid of individual subscriptions for the purpose of erecting a monument in Saint John, to commemorate the landing of the Loyalists in 1783. Mr. End made a strong appeal to the Loyalists of the House in favour of the grant. He said he would readily and cheerfully go for a grant of £1,000, to mark the spot where those noble, brave and devoted men first set their feet upon New Brunswick ground. He next alluded to the hardships, the toils, and the privations which that devoted band of British hearts underwent during the early settlement of the Province; yet, said the hon. member, they bore it all cheerfully, so long as they could behold the "proud flag of Britain" waving above them. He did not claim to be a descendant of that class, but he was an Irishman, a loyal Irishman, and he considered himself a privileged man in being thus permitted to stand in his place and advocate so noble a cause. Mr. Barbarie followed. He trusted the feelings of loyalty, nor any other feelings, would ever cause him to forget himself. He felt proud that he could call himself the son of an "old Loyalist." He could not, however, consent to take the public money for such a purpose; the monument should be built by private subscription, and he for one was ready to pay his part. Mr. Jordan was astonished to hear any hon. member, much less the son of a Loyalist, opposing this grant. Let hon. members turn their attention to other countries, and behold the monuments erected to the memory of their sons. Look at Bunker Hill Monument near Boston—the blood of many a Loyalist was spilled there. He never could think of the hardship and

suffering of those devoted men without becoming excited—he would, therefore, say no more. Mr. Wilmot said they had already exceeded their estimate, and he would now declare himself as opposed to the grant. This was no doubt a fine subject for a speech, but he could not attempt one at present. As a descendant of an old Loyalist, he felt himself degraded by the begging position which had been assumed in thus asking for a Provincial grant. New Brunswick required no brass—no marble—to commemorate the landing of that noble, that devoted band; their memories would be handed down to posterity without the aid of Monuments or Obelisks.

The resolution was finally rejected.

The descendants of the Loyalists are, perhaps, more numerous in St. John than in any other City in the world. From time to time appeals have been made by the newspapers, for the erection of some "memorial," in recognition of the illustrious deeds of, and sacrifices once made by, the founders of the City. The first stone for this purpose has not yet been raised—while the indifference of those who should be the most active in the matter, hold out no encouragement that anything will be done, if done at all, for a very long time to come. Indeed, the connecting line between the "Loyalists" and the present generation has now become so attenuated, that it is not much more than perceptible. The sons of the Loyalists still living are few and advanced in years. If nothing be done in their day, it cannot be expected that their children will atone for the neglect of a period more contemporaneous. Every day's delay is a day fatal to the fulfilment of such an object. It is true, that in July, 1846, an attempt was made in the direction required, Judge Parker, of Saint John, taking the lead. Unfortunately, however, the "memorial" intended was calculated to arouse professional jealousies and antipathies. A newspaper war sprung up among the Doctors, which was carried on with so much bitterness and implacability that the "memorial" was dropped in disgust by those who took the lead, after their second or third meeting.

CHAPTER XIII.

Colonial Office Despatch—Charge of the House against the Lieut. Governor—Misappropriation of the Public Funds—Strong language used against the Colonial Minister and the Queen's Representative—The want of Responsible Government manifested—Inconsistency of Politicians—Farewell address of Mr. L. A. Wilmot to the House—Supplementary—Recapitulative—Ideas of Confederation in 1846.

On the 8th April, a despatch from Lord Stanley, Colonial Secretary, to Sir William Colebrooke, was laid before the House, when a most violent debate ensued. The nature of this despatch will be understood by what follows. It seemed that His Excellency had during the year previous (1845) taken between two and three thousand pounds out of the Surplus Civil List Fund, for the purpose of defraying the expenses of surveying Crown Lands in Madawaska*—the money so expended was taken by order of the Colonial Secretary. The despatch containing this order had been asked for in the previous Session, at the time when it was rumoured that the money was about to be thus appropriated, and it was refused by the Government, (which, as it will be remembered, was the rump-Government—so called at the time—those two or three gentlemen who had clung to His Excellency, after his Council abandoned him, in consequence of Mr. Reade's appointment)—in fact, it was

* It would be as well to remark that those lands so surveyed, were for persons who had settled upon the once disputed territory, and they were to be defined by the English Government in accordance with the fifth article of the Treaty of Washington, called the "Ashburton Treaty."

kept back a whole year, until after the *mischief* had been done, or until the money had been expended—and now brought forward for the information of the House. It was charged against the "rump" Government (Hon. Messrs. Simonds, Colonels Allen and M'Leod) that the object was to keep the people in ignorance, and spend the money upon a few favourites, who had stood by these gentlemen in the days of their great political need.

It being near the close of the Session, the Hon. Mr. Simonds had left for home, and Messrs. Allen and M'Leod consequently had to bear the brunt of battle.

In regard to the right of the Colonial Secretary to meddle with this Surplus Civil List Fund, it was observed that by a despatch from Lord Glenelg, (formerly Colonial Secretary,) it was laid down that no money should be paid out of this fund without the consent of the Assembly. In the face of this, it was complained that Lord Stanley had laid sacrilegious hands upon it—or rather directed the Lieutenant Governor to devote the sum above stated to the object named. Moreover, as the survey of these lands was for Imperial purposes—in accordance with an International Treaty—it was contended that the British Government had no right to make it a charge upon a Provincial Fund. The excitement in the House was intense—both parties, (if there were such a thing as two parties in those days of political tergiversation,) or rather the leading men of both sides, were bitterly severe upon His Excellency, especially for keeping back the despatch (the cause of the present discussion) for a whole year.

A single extract is subjoined from a prominent speech delivered on the occasion—not so much for the principles involved, or that any part of the debate deserves special record—but that the reader may see that a Lieutenant Governor in New Brunswick, twenty years ago, did not repose upon a bed of down; indeed in those good old days of irresponsible administration, the Governor was the recipient of all the hard knocks that were given by either party. If the party in power were not satisfied with His Excellency, (if he would not do exactly as they wished,) they had only to call upon the Assembly to back them, and the Governor

had all the *wisdom* arrayed against him; for both sides were ready, in such cases, to join hands and strike hard.—Whereas, on the other hand, the Governor's advisers themselves were fixtures in office, so that an adverse vote of the Assembly could not disturb them, no matter what sort of advice, good or bad, they gave to His Excellency. The Attorney and Solicitor Generals, and the Provincial Secretary, held their seats up stairs. The departmental system was unknown—while the initiation of the money grants' responsibility was a weight that did not rest upon the Government. During the short summer Session of 1866, when the conduct of His Excellency the Lieutenant Governor (Hon. Mr. Gordon) was occasionally animadverted upon by his former advisers, in consequence of recent misunderstandings, the Speaker (Mr. Gray) frequently called hon. gentlemen to order, on the ground that it was unparliamentary to bring the name of the Queen's Representative into the discussion. We had not begun to learn the first rudiments of Parliamentary etiquette twenty years before this—or did not seem to think that there was any difference between our obligations and our privileges; but that both were to be used separately, or conjoined, as it suited the necessities of the hour. Read what follows, and contrast the past with the present state of Parliamentary observance:—

"Mr. (J. A) Street remarked that this service was a national matter, the expense of which should not be borne by the inhabitants of this Colony, nor would Her Majesty's Government ever have sanctioned the payment of that amount from the Surplus of the Civil List Fund, if His Excellency had not refused the necessary information, to enable that House to forward a remonstrance in the shape of a loyal and dutiful Address, praying that such appropriation should not be made. This, however, they had been prevented from doing by the refusal of the despatch. The ground of complaint against His Excellency was not for having expended the money in obedience to his instructions, but for having refused such information as would have prevented the inquiry in which they had now been engaged. This had been done wantonly, and for no reason that he could see unless it was to be believed that the head of the Government was determined to withhold or communicate information just as it might suit his views at the time. If it was right now to lay Lord Stanley's despatch before the

House, it would have been right to communicate it last year, and no reason whatever had yet been shewn to the contrary. It had been stated by a former Colonial Secretary that nothing was gained by concealment. He (Mr. S.) was of opinion that in this instance much had been lost by concealment. The refusal to communicate the despatch had led to the expenditure of a large sum of money without remonstrance from that House, and he feared much this money would not be again refunded. Under such circumstances he (Mr. S.) could have no hesitation in saying that His Excellency's conduct was highly censurable in withholding information, when to have afforded it was of so much consequence to the people of this Province. This strange procedure had induced him to take a retrospective view of the administration of the present head of the Government since the year 1843, and in doing so, some facts presented themselves to his notice which it was worth while to review. By the Journals of that House, for 1843, it would appear that His Excellency had, without the sanction of the Legislature, drawn by special warrant from the hands of the Receiver General, a sum amounting to £930, which sum was to be refunded; £507 4 10 of this sum appeared to have gone into the hands of His Excellency, and has not, to his knowledge, been accounted for in any way; nor had it, as far as he could learn, been refunded, although that House had made the matter the subject of a resolution, with a copy of which His Excellency had been furnished. This was far from right on the part of the head of any Government, and should, he thought, be enquired into. At the termination of the year 1843, His Excellency formed a new administration, and from that period up to the year 1845 his Government had been conducted on purely responsible principles—responsible he believed to the hearts content of the greatest liberals in the Province. Even Mr. Howe himself could not have wished the theory of responsibility carried out to a greater extent.* It happened, however, that towards the close of that year, ('45), His Excellency thought it expedient to change the character of his Government, and pitch Responsible Government overboard, in order that he might, of his own mere motion, make an appointment to the high office of Provincial Secretary. This extraordinary step had led to the resignations in his Council, as he had already noticed, three of whom are now the leading members of his present Government. Immediately after the resignation of the four Councillors, a new Government was formed on the irresponsible system, which had lasted only

* In twenty years after this, no doubt the speaker's ideas of a proper responsibility underwent considerable modification.

to the beginning of the present Session; but that had been long enough to enable His Excellency to wreak his vengeance on some of those who opposed him in the appointment of the late Provincial Secretary, and he (Mr. S.) had come in for a share of this manifestation of personal feeling. He believed himself, and he little doubted that almost every hon. member on the floor of that House believed, that had he (Mr S.) supported His Excellency last winter when he appointed his son-in-law to the Office of Provincial Secretary. Had he then played toady, or truckled to His Excellency, and deserted the interests of his constituents to subserve those of His Excellency, he had no doubt that he would have been either Solicitor or Advocate General; one or the other there was no doubt he would have been. Under such circumstances he would ask honorable members how he or the public were to have confidence in the head of the Government? He (Mr. S.) believed, and he did not doubt that the House and the public believed, that it was not the head of the Government, but the advisers of His Excellency, which sustained the present Government, and that the sooner Her Most Gracious Majesty was pleased to recall His Excellency from the Government of the Province, the better for the interests of the Country, and for this reason, that inasmuch as the manner in which the Government had been administered, since His Excellency Sir William Colebrooke had presided over the destiny of the Province, was not such as was calculated to sustain that administration of British rule, and British connexion, and those higher feelings of loyalty, for which the people of New Brunswick had ever been celebrated. Although he (Mr. S.) would yield to none in loyalty and attachment to Her Majesty's person and Government, and would ever be found ready and willing to shed his blood in defence of his Queen and Country—although no ill-treatment, however severe or undeserved, could shake his attachment to the British Crown, yet he felt that the manner in which he had been treated by His Excellency the Lieutenant Governor, was such as should not be visited on the head of any British subject who had done as he had—his duty—fearlessly and honestly. The manner in which he had performed his public duties was well known to the House, and he could appeal to them and to the public at large for the truth of his statements."

Thus it appears that the Lieutenant Governor, twenty years ago, could be talked to upon the floors of the House—nor is it denied that the grievances above recited were not well founded.

Another hon. gentleman thought that even so august a

dignitary as a Colonial Secretary had not an immunity to control our affairs. Mr. Brown "thought that the party "most to blame in this instance, was Lord Stanley, *he who* "*had ever been the evil genius of this Colony!* It was His Lord- "ship who was to blame for issuing the order, not His "Excellency for having carried it into effect."

The following is the conclusion of the debate—which was adjourned over to next day, 9th :—

"Mr. Partelow rose and asked the hon. member of the Government if he had any objection to say whether the despatch from Lord Stanley, dated 5th January 1845, was in the possession of the Executive Government, when the Address of that House, dated the 14th March, in the same year, praying for information respecting the Surplus of the Civil List Fund, was sent up to the Government."

"Mr. Hazen said, that since the discussion yesterday, he had made enquiries relative to the despatch, and had been authorized to say, that it was in the possession of the Executive on the 14th of March 1845. If the Home Government had done wrong by ordering that money to be paid, there could not be a doubt that the money would be refunded. He could not understand the warmth which hon. members had displayed during the debate of yesterday. He could see no reason for any warmth of feeling, and would advise hon. members to be a little more cool in their treatment of this question, for really after all, he could not see that anything had been done to cause unusual excitement. He again repeated that no harm had been done, provided hon. members would cooly consider the subject."

Mr. Partelow then moved the following resolutions :—

"1st. *Resolved*, That this Committee deeply regret that His Excellency the Lieutenant Governor in Council should not have felt himself authorized to communicate to the House the despatch of the Right Honorable the Secretary of State for the Colonies, of the fifth January, 1845, relative to the appropriation of the Surplus Civil List, in answer to the Address of the House of Assembly of the fourteenth March, 1845, whereby the House was prevented from representing, by an humble and dutiful Address to Her Majesty, that such appropriation was not in accordance with the despatch of the Right Honorable the Secretary of State for the Colonies of the thirty first August, 1836.

"2nd. *Resolved*, As the opinion of this Committee, that any funds necessary to carry out the fourth article of the Treaty of Washington, being a National Treaty with a

foreign power, ought not to be chargeable upon the funds of this Province; and that the House should, by an humble and dutiful Address to Her Majesty, pray that any appropriation made for that purpose from the Surplus Civil List Fund, may be refunded to the same."

Mr. End then spoke at great length in support of a moderate course being pursued. He was followed by other hon. members, most of whom spoke in favour of Mr. Partelow's resolutions, which, after a protracted debate, were carried—20 to 2.

On the 14th of April the Legislature was prorogued. His Excellency's closing speech contains nothing very remarkable. It may be observed here in a few words, that on the return of the members to their seats, Mr. (L. A.) Wilmot rose, and bade adieu to hon. members and to public life; it was not his intention, he said, to again offer as a candidate for the House—for some time at all events, if at all. The parting was said to be very affecting.*

SUPPLEMENTARY.

Although not in accordance with the design of this undertaking, to introduce matter of a non-political character, it may not be amiss occasionally to make a slight deviation from the plan, where facts are thought to be interesting enough to warrant it. As the Fredericton Cathedral may be regarded as one of the "institutions" of the Province, a few circumstances in connection with its early history are here introduced. When the Bishop's intention to erect a Cathedral in New Brunswick was mooted, Saint John and Fredericton contended earnestly for the seat of Episcopacy. The newspapers in both places argued day by day in behalf of the wants or claims of the respective positions. The Saint John Press declared that it would be impossible for the Cathedral to stand firm on ground like that of Fredericton. It was contrary to scriptural teaching to build a Church upon sand, especially while there was so much solid rock as in Saint John. Such a mass of stone would, in time, certainly *settle* in any spot that could be selected in the

* The hon. gentleman, as will be seen hereafter, did not long remain in repose, unforeseen circumstances, no doubt, having arisen to interfere with this resolution. He was re-elected the following year.

town plat of Fredericton. The Press of this place was equally anxious, no matter what the denomination; and its ingenuity of argument about as adroit. A foggy atmosphere like that of Saint John, it was urged, would in a few years prove destructive to the best masonry in the world—so that an unsubstantial foundation in Fredericton (even if admitted,) was better than weak walls, (in Saint John,) liable at some day to tumble about the ears of the congregation.

These sallies, however, amounted to very little in settling the matter. A more substantial argument was on the side of those who looked at the question with a pecuniary eye. But, after all, as the Bishop himself was the principal subscriber, having secured probably three fourths of the funds in England, he could act with independence and impartiality, untrammelled, at all events, by the wishes of locally interested subscribers. The following is taken from a Saint John paper:—"We are informed His Lordship begins to "entertain doubts about succeeding in Fredericton, and "that he is now giving our City the benefit of his thoughts "in this matter. If so, we trust he will go on increasing "in wisdom, and that he will see more and more the neces-"sity of coming to Saint John, where the Established Church "is falling off—we are willing to prove this—for want of "Church accommodation for thousands of our citizens. In "regard to pecuniary assistance, we can assure His Lord-"ship that he would have no difficulty in raising enough "funds in Saint John alone, to complete the building. "Every man here would put his hand in his pocket to aid "the undertaking. The following paragraph we cut from "the Head Quarters of Wednesday. The Editor appears "to be enthusiastic for Fredericton—and we would ask him "whether he considers there is as much necessity for the "Cathedral in Fredericton as in Saint John, and why?

'We regret to learn, on authority which we cannot doubt, that His Lordship the Bishop of Fredericton has recently met with opposition to his views, which is calculated to retard the progress of the erection, if not to deprive the people of Fredericton of the Cathedral altogether. We have at various times received communications on this subject, exposing the parties who have thus ranged themselves in hostility to the head of their own Church; but believing

that in time, factious opposition would give way to the public benefit, we have invariably refused the supporters of His Lordship a place in our columns. If we are rightly informed, the public interest now demands that all those who are anxious to see this noble undertaking carried out, should, by all lawful means, endeavour to strengthen the hands of His Lordship. Every inhabitant of Fredericton who owns a foot of property in the City, should watch with argus eyes those whose movements may deprive them of the Cathedral, and of the presence of His Lordship the Bishop, whose piety and christian humility has already had a beneficial influence in this community. The military might be withdrawn, the seat of Government can be removed to Saint John, and those who have contributed to this nice state of things, may make up to the owners of landed property in this City the damage which they sustain, in the best way they can. The removal of the Cathedral, should it take place, will be the entering wedge to unsettle the question of the seat of Government; and those who are labouring to accomplish that object, are anything but benefactors to the citizens of Fredericton.' "

The difficulties above alluded to arose out of the persistency of some of the pew-holders in the old Church, to maintain their ground, or rather the property which they held in their pews, the surrender of which was asked in order that the building might be removed to make room for the new Cathedral. That there should not have been a unanimity of feeling in a matter of this kind it is not at all strange. It is natural that old associations and a reverence for the Church—where persons had been accustomed to worship from their youth to middle and advanced age—would, for a time at all events, create a disposition averse to the sundering of these heart ties—to the overthrow, not only of the pews, but of the sacred edifice itself. To the owners it was like the loss of children to fond parents.

The obstacles, however, were after a time happily overcome. The minority, with a dignified grace, yielded to the influence brought to bear; and the Cathedral (now the admiration of all visitors) in a few years afterwards was opened to the public—*free.**

* This year (1846) the foundation of the Lunatic Asylum, in Carleton, was laid. At this date (in September) there were 90 patients in the temporary wooden structure in Leinster Street. This year also the gas was introduced into Saint John—lit for the first time in September.

RECAPITULATIVE.—Under this head (supplementary) it may not be uninteresting to the reader, if we take a retrospective glance at the state of the Province in sundry respects for a few years past, by way of bringing out such facts (gathered from authentic documents) as may be deemed worthy of the place they will occupy.

In 1841–2, at a period of great financial difficulty, a proposal was made for restoring to the Government, so far as might be practicable, the control which it had exercised before the separation of the Executive and Legislative Councils, and the transfer of the Crown Revenues. At that period a very inadequate provision was substituted in the practice of submitting every vote of the Assembly in Supply to the Legislative Council for confirmation or rejection; an arrangement which imposed no check on the improvident expenditure, which involved the Province in debt, and necessitated the loan of £70,000,* raised in the Session of 1843. As the members of the Assembly were appointed to the Executive Council, the importance of introducing some better system became the more urgent from the tendency of the then existing one to involve the Government in the discredit attached to it, without any means of exercising the smallest control; and it was affirmed, from the experience of the past, that no measure would be more conducive to the welfare of the Province, in the due regulation of its finances, and in establishing a constitutional relation between the Executive and Legislative bodies, than the concession to the Executive of the initiation of money votes, on the principle then recognized in Canada, and in some other Colonies, and which has since been adopted in New Brunswick. The important measure adopted by Her Majesty's Government, in 1843, for restricting the Provincial Legislatures from imposing discriminating duties on foreign trade, and the principles on which the alterations in the tariff were made in the previous year, (1842,) encouraged the hope of a still more progressive state of things. The ill effects of discriminating duties on the Inter-Colonial trade had been so fully experienced, that Sir William Colebrooke had frequently urged on Her Majesty's Government the importance of restricting them in

* These figures denote sterling money.

future. In the consideration of this subject, it is only necessary to advert to the dispositions of the Provincial Legislatures, to retaliate on each other when such duties were imposed, and the impracticability—along an extended inland and sea frontier, and an imperfectly settled country—of preventing evasions of the law, without incurring an expense which the revenue could not well sustain. The Revenue Act of 1846 merely re-imposed the duties raised in 1845, with the exception of the duties on wheat, which had been taken off in consequence of the scarcity arising from the failure of the potatoe crop in the previous year; and the tariff for 1846 was therefore liable, with this exception, to the objections already made to the same tariff of the preceding year. In 1843, the net revenue raised from the Provincial duties, exclusive of collections under special Acts, was £21,067 10 11; and in 1844, £36,246 6 6; and in 1845, £47,734 14 2. The net parliamentary duties had yielded, in 1840, £22,774 5 3, after deducting £4,250, the Provincial allowance for the department. The charges of the Customs being in all £7,080 8 4. The casual and territorial revenues in 1845, were £27,821 4 8, amounting, with the Customs' duties, to £98,330 4 1. On the other hand, the permanent and miscellaneous charges on these revenues, for which provision was not specially made, amounted, in 1844, to £56,635 15 10; and in 1845, to £85,774 1 8, independently of the grants for bye roads; and as this amount included the whole charges for the Civil Government of the Province, for the pay and expenses of the Legislative bodies, for colleges, and schools, great roads, bounties, and various other miscellanies, it was asserted that if some practicable reductions were to be made in these charges, and a moderate rate imposed on property, to defray, in part, the expenses of works of a local nature, and for the support of parochial schools, according to the practice in the United States, the trade of the country might, in a material degree, be relieved from a burthen which seriously fettered and restrained it, discouraging commercial enterprise, and constituting, in effect, a charge upon the rural population in the supplies which they were obliged to purchase at advanced rates, when the duties were not evaded by smuggling. In 1842 and 1843, owing to the financial

difficulties of the Province, no moneys were granted for bye roads; notwithstanding which, some roads for which grants had been made in 1842, but without funds having been provided, were found to have been kept in sufficient repair, by the effective application of the statute labour. The sums granted in 1845 for bye roads, amounted to £9,615 3s., and in 1846 to £12,162, distributed in a vast number of small grants throughout the country. In the previous Session, the Assembly had recognized a method of calling forth the resources of the country in the advances made for seed potatoes, which were repayable in labour on the roads. From the difficulty often experienced by the labouring settlers in paying for their lands, a stimulus it was thought would be given to the settlement of the Province, if certificates from the road contractors for labour duly performed in virtue of grants from the Assembly, were accepted in payment from land purchasers, a practice which also, as it was understood, obtained in the United States. On the passing of the Civil List Act, in 1838, when the casual revenues were transferred to the Province, the administration of the Crown domains was reserved to the Lieutenant Governor in Council, the charges of which were detailed in a separate account. An important reduction on these charges was made in 1844, by the substitution of a moderate export duty on timber, in lieu of the "stumpage" collected on timber cut in the forests under license—the collection of which was attended with considerable expense and difficulty. The military expenses charged upon the Province did not exceed £1,000.

CONFEDERATION IN 1846.

The following extract is taken from a Saint John paper, October 21, 1846, which will shew in what way the Confederation of the Provinces was talked of twenty years ago. A correspondent at Montreal, writing to the Kingston Whig, remarked:—

"I have it from the 'best authority'—at least the party who told me had it—that the British Ministry have at this moment under their serious consideration, sundry schemes regarding the Provinces in North America. My not to be doubted informant tells me that the following is of a surety

fixed upon for the future government and guidance of us, Her Majesty's loyal and devoted subjects, viz:—a federal junction of all the British Provinces on this Continent, at the head of which is to be appointed a Viceroy or Lord Lieutenant, with the same powers as that functionary in Ireland—the constitution of the several Provinces to remain much the same as at present, only with certain alterations to suit the altered circumstances. The Viceroy to have the power of creating Knights and Baronets—the Queen to adopt amongst her other titles, that of "Queen of the United Provinces in North America"—many other equally grand and desirable changes, ending with a permanent seat of Government at Quebec. If there is any truth in the above, that great railroad should certainly be decided upon immedialely.

(1847.)

CHAPTER XIV.

The Quadrennial Act — The new House — His Excellency's Speech — Mr. Weldon elected Speaker — Election of a Member of the Legislative Council to a seat in the House — Its unconstitutionality — Crown Land mismanagement — The Famine in Ireland — Financial matters — Warm discussion on Responsible Government — Great excitement in the House and Galleries.

In 1847 the new House was called together on the 28th of January, it being the first under the Quadrennial Act; hitherto the term had been for seven years, although the previous House which had passed the measure ceased to exist, in conformity with the spirit of the new Act, at the expiration of four years. The elections were held in the previous fall, mostly in the month of October. It was the first time that the simultaneous polling arrangement had gone into effect—that is to say, the election for a single County, or City, was to be determined in one day. Heretofore, an election occupied several days—which were days of drunkenness, debauchery, and inordinate excesses, practised by the idle and vicious. Some new life, it will be seen by the returns below, was infused into the body politic, as the result of these elections. On the hustings as usual, especially in Saint John, every candidate was brimful of reform and loyalty. There was no political abuse but what had received attention and merited denunciation at his hands. Had the successful ones been blessed with better memories—were they to practice as

they profess, as honest in the House as fair upon the hustings—the constituency in such cases would have very little to complain of. Too much, however, is not to be expected from the people's choice. A politician in opposition to a Government, without a grievance, would be a man void of all means of showing his patriotism. The rule of consistency in making hustings' speeches is only intended to hold good with defeated candidates. They die on the political altar of their country with their pledges in their mouths, the opportunity of putting them into practice having been unmercifully denied them by the people. The inconsistency of the successful ones is justified by the plea that they "have to be controlled by circumstances" after they have got into the House.

The following were the Members returned:—

YORK.
Lemuel A. Wilmot,
Charles Fisher,
James Taylor,
Thomas Baillie.

SAINT JOHN.
John Jordan,
John R. Partelow,
William J. Ritchie,
Robert D. Wilmot.

WESTMORLAND.
Daniel Hanington,
William Wilson,
William Hazen Botsford,
Amand Landry.

CHARLOTTE.
James Brown,
Robert Thomson,
William Porter,
James Boyd.

NORTHUMBERLAND.
Alexander Rankin,
John A. Street,
William Carman,
Martin Cranney.

KING'S.
Sylvester Z. Earle,
William M'Leod,
John C. Vail.

QUEEN'S.
Hon. Hugh Johnston,
Thomas Gilbert.

KENT.
John Wesley Weldon,
David Wark.

SUNBURY.
George Hayward,
Thomas O. Miles.

GLOUCESTER.
William End,
Joseph Read.

CARLETON.
Charles Connell,
James Tibbits.

RESTIGOUCHE.
John Montgomery,
Andrew Barberie.

ALBERT.
William H. Steves,
John Smith.

CITY OF SAINT JOHN.
Hon. Robert L. Hazen,
Isaac Woodward.

In his opening speech, His Excellency alluded to the condition of the Public Schools. "The state of the Parish "Schools, and the system under which they have been con- "ducted, was the subject of an elaborate enquiry in 1844, "and I need not remind you, that unless timely provision "be made for their efficient regulation, training and inspec- "tion, there are those who are growing up around us, to "whom the loss must soon become wholly irretrievable."

Mr. Weldon was elected Speaker without opposition, with the understanding between both parties, that the choice was made irrespective of politics.

The first discussion of any importance was in regard to the return of the Hon. Hugh Johnston by the people of Queen's County, as one of their members. The affair was certainly anomalous, if not unprecedented. The people who voted for him must have been aware that Mr. Johnston was still a member of the Legislative Council, and consequently constitutionally ineligible to take a seat in the lower branch. The proceeding indicated that the material in Queen's, from which to choose good and proper men for representatives, was, at that time, exceedingly limited; or it may have been that as Mr. Johnston was held in such high esteem by the people, and thought to be the only man capable of serving them in the General Assembly, no constitutional barrier could possibly stand in the way of their wishes. But it was a matter of surprise to those who knew better, that the hon. gentleman himself did not make it clear to the people that if they voted for him, they would be throwing away their time, and afterwards be obliged to do the work over again. If the election did not cost the hon. gentleman any thing, the discussion of the matter in the House cost the Province a large sum. Finally, on motion of Mr. Partelow, the subject was referred to the Committee of Privileges to report upon. This Committee in a few days afterwards reported "that at the time of said election, Mr. Johnston was a mem- "ber of the Legislative Council of this Province, and still "holds his seat at that board, and in the opinion of the "Committee was not eligible to a seat in this House. The "Committee beg leave to recommend that the Speaker "do not issue his warrant for a new writ, until the fourteen

"days shall have expired—that being the time limited by "the House for receiving petitions concerning disputed elections."*

On the 2nd February Mr. Baillie moved a resolution upon the subject of Crown Lands. In doing so, he remarked that the present system of surveying Crown Lands could not long exist; there was something like eight hundred different surveys of Crown Lands made in the course of a year, and no two agreeing. This was chiefly attributed to the difference in the instruments used by the Surveyors—some using good ones, others those of a more common kind; so that it was impossible for any human understanding to arrange or make any thing of the returns from the different Surveyors, after they were in. The resolution recommended something like a general survey of the Crown Lands, or such portions of them as were fit for settlement, and that a Committee be appointed to ascertain and report upon the best method of laying out and surveying Crown Lands.

The discussion which followed brought forth a number of startling facts, indicating the inefficiency of the system under which the surveys were conducted, some of which are here briefly recited, for the information of those who have followed the history of the Crown Land Department, and kept the run of the blunders that appear to have been committed from time to time. Some hon. members in this, as in every other case that came before them, could see no room for improvement—or rather that the expense of the survey asked for in the resolution would not result in corresponding benefits accruing to the country. Mr. Partelow's advice was that hon. members should be cautious how they recommended large expenditures of public money—a very considerable survey of Crown Lands, he said, was made some years since, without resulting in any very general good. For that reason he would oppose the resolution.

Another difficulty seemed to be the variation of the compass, and the errors made by Surveyors in their calculations, owing, it was thought, to bad instruments, which led to litigation and expense. Another serious evil was, that no proper roads were laid out in the first surveys; and the consequence

* A writ for a new election was ordered on the 11th February.

was, that after a poor man had by his industry made a clearing in the forest, other settlers came around him, and by and bye an application would be made for a road through his clearing, and it would eventually be established through the middle of his land, for which he received little or nothing. Hon. members contended that the only legitimate source of wealth for this country was the settlement and cultivation of the soil. One gentleman remarked that he would like to see a proper system of survey established in this Province, and proper roads laid down through the heart of blocks, and to be understood that such was the case. Mr. Ritchie would like to see greater inducements held out to the emigrant and the new settler; he would rather give the poor emigrant who wished to settle in the country, he said, fifty acres of land, providing he would become a *bona fide* settler, rather than see the wilderness land of this country locked up in its present shape; he (the emigrant) would then, at the expiration of a few years, be enabled to purchase fifty or a hundred more and pay for them. He said that the natives of the old country were hardy pioneers—they would live where a native of this country would starve, and as such deserved encouragement.

The resolution was passed and a Committee appointed to carry out its object.

Although Surveyor General at the time, Mr. Baillie did not hold a seat in the Government. This gentleman saw many defects in the Crown Land system, for which he thought the public interests demanded that a remedy should be provided. According to the Departmental system the Surveyor General is now a member of the Government. But notwithstanding this change, it is questionable whether, since Mr. Baillie's time, there had been any very great improvement in the department, up to a comparatively recent period—in more respects than one. The difficulties that have from time to time sprung up in the office, (as will be noticed hereafter, under the proper dates,) would almost justify the belief that the Crown Land Department has been the Upas within whose radius it would be impossible for the advocates of reform to obtain a solid foothold. It has been a system of unhealthy vitality throughout. The in-

terests of hon. members at an earlier period were so wrapt up in the staple products of the forest, that they could not see their way clearly, or feel disinterested enough to use the power they possessed to pollard the rotten branches that were destroying the forests of the land.

This was the year (1847) of the great famine in Ireland, where so many human beings perished for lack of the common necessaries of life—an astounding fact for historical record, that thousands of human beings should perish in the midst of civilization, within the borders of the wealthiest Nation on the face of the globe—at a time too when luxury and refinement, not many miles off, were in the full tide of social development! Foreign nations sent large contributions for the relief of the distressed, the United States being among the most liberal of the donors. The House of Assembly of this Province on the 3rd February voted one thousand five hundred pounds sterling towards the object, there being but one dissentient voice.

The impatience of the House, for work to do, now began to manifest itself. On the 8th February, Mr. R. D. Wilmot rose and said, he "regretted that the hon. member of the "Government (Mr. Hazen) was not in his place, as he in- "tended to have asked him a question. He as an individual "member could not but express his regret that they had "been called together apparently without any business be- "fore them to do. Hon. members had left their homes and "their business to attend to the public affairs of the Province, "and yet day after day they were adjourned at an early "hour, with but little business done. If affairs had really "come to this—that from henceforth this House should "perform the duties of a Legislature and Executive too— "he thought it high time that they, as well as the country, "should know it."

On the 9th the House went into Committee of Supply; and on motion of Mr. Partelow the various sums were voted. Hon. members allowed themselves 15s. a day. Mr. Partelow at this time yearly discharged the duties of Provincial Secretary in the House (the Secretary himself occupying a seat up stairs) and led off in Supply in moving the different items. The sum of £12,000 was voted for Parish Schools.

There seemed to be a great deal of groping in the dark. The Initiation of the Money Votes resting with the House, there was no estimate made by any one for the respective public services for which moneys were required. There was no individual responsibility in the matter. Members were like vessels at sea without rudder or compass—subject to the fluctuations of the winds—sums were proposed by any member, and carried, for all sorts of purposes, without due consideration as to whether the Treasury contained money enough upon call to satisfy the demands. There could have been no better system in the world for running the Province into bankruptcy. If commerce is beset by a calm, and stagnates, and the revenues for the current year fall off, new loans to meet old obligations must be contracted. If on the other hand the revenues are prosperous, it is an inducement to overburthen the Supply Book with new amounts, based upon frivolous pretexts. When money is plentiful favourites are not forgotten. Thus from year to year we were brought closer and closer to the verge of the precipice, so that whenever a commercial panic ensued, which was periodically so common to the trade of this Province, we were without money and almost without credit. If a man lives beyond his income hard times must soon overtake him; and the same may be said of a nation or a people.

Hon. members felt so jealous of their rights in those good old days, that very few of them could be brought to believe that to surrender the "initiation" into the hands of the Government, could possibly be an improvement. They stuck to the money with the tenacity of men who felt that they might as well part with their lives, as with that which rendered their political lives enduring.

Mr. L. A. Wilmot said "he would like to see a report "from the Finance Committee—he would like to see how "the Province stood—how the debt got along, and its amount "—what the probable revenue of the next year would be— "whether the same revenue bill was to stand another year or "not—or whether it would be advisable to increase the duties "on certain articles, &c. That Committee should report at "once. The way they were in the habit of working was "going backward completely. The report coming in at so

"late a date could not influence the expenditures in the "smallest degree."

The Government up to this time had not been filled up—it was still the same fragment that was patched after the Reade disruption, with the understanding that no time should be lost in making it complete.* On the 11th of February, Mr. Woodward wished to ask the member of the Council present (Mr. Hazen,) whether any steps had been taken to fill up the Government? He said that the House had been in Session fifteen days, and yet there appeared to be no sign of any thing having been done. He was always under the impression that the Constitution entitled the Province to a Government of nine members—whereas there were then only five. He thought "it was high time "the Government was filled up to the constitutional number; "the fact was—as was remarked both out and in doors—"they had no Government at all, constitutionally speaking, "and their want was very much felt; the Government should "come down to the House prepared to furnish every infor-"mation required at their hands, and thus save the House the "trouble of seeking for it, each one for himself as he best "could. If the Government were really in the position that "no one could accept office, let them say so, and acknow-"ledge their inability to carry it on; this appeared to him "to be the proper course."

The Hon. Mr. Hazen replied that "he believed that the head of the Government here could carry on that Government with as few members as he pleased, so long as he had a quorum—with the sanction and approval, of course, of the Home Government; or he could, if he chose, fill up his Council to the number of nine; this he understood to be the constitution of the country. He, however, would repeat now what he had said on a previous occasion, that he, for one, had no wish to carry on the Government in its present shape; he would wish to see the Council filled up, and composed of the leading, talented, and influential men of the country; so that all parties (there being now but a mere shade of difference in political matters) and all interests would be fairly and impartially represented. His hon. colleague was also wrong in saying that no Government existed; there did exist a Government, and that Government had

* The Government consisted of Hon. Messrs. Hazen, Shore, Johnston, (Hugh), Chandler, Peters, (of Miramichi.)

done and still continued to transact the business of the country. It mattered but little to him whether he was in or out of the Government; he should ever endeavour to perform the public duties committed to his charge, to the best of his ability. He had now only to inform the House that some degree of difficulty was experienced in filling up the Council. An offer of a seat had been made several days since, to a gentleman who had formerly belonged to that Board, and it was only yesterday that a definite answer had been received. He therefore asked the indulgence of the House for a few days longer, until the correspondence now being carried on should be concluded."

It seems that the great difficulty in filling up the Council, consisted in the unwillingness of the Conservatives to allow more than one Liberal to have a seat among them. The spirit of party was now spreading all over the Province, and the opposition outside as well as inside of the Legislature, was making itself heard, if not felt, by those who were still in the ascendancy, and who were jealous of the encroachments that were gradually being made upon their old political enclosures. During the recess negotiations had been going on between the members of the Government and the leader of the opposition (Mr. Wilmot) for filling up the Government, but up to this time without success. Mr. Wilmot considered that, as the principles of Responsible Government had been acknowledged by the Conservatives, and all parties entitled to fair play, there could be no better way of manifesting the honesty of their admission, than by the Conservatives allowing the two parties to have an equal representation in the Government, or as nearly so as possible—still he would be willing to waive these claims for the present and go in with a less number, for the sake of carrying on calmly the business of the country.

Mr. Wilmot said that "he had been called by His Excellency to take a seat at the Council Board a few days since; after having duly considered the matter, and received the advice of his friends, he had come to this conclusion, which conclusion was embodied in his reply to His Excellency—viz: providing the Council was filled up to the number of seven, he would take a seat, carrying with him two of his political friends—leaving the other party one of a majority; and should the Council be filled up with nine members, he would go in with three others of his friends, still leaving

one of a majority as before. This was the course he had pursued, and he was also prepared to defend his position. He and the party he belonged to might be called Liberals, or what not—it mattered not to him ; another party might be called Conservatives—it mattered not to him. He was a Liberal—he had always lived a Liberal—and he hoped to die a Liberal. His hon. friend of the Government (Mr. Hazen) might say that there existed but a shade's difference between the politics of the two parties ; if so, it had lately come to pass. The Conservatives must have come up to their views ; he was certain they had not gone down. He had received every courtesy from the hon. members of the present Government ; yet he could not forget the election of 1842, when Responsible Government was scouted, jeered at, and held up to ridicule over the length and breadth of the land ; but a different day had dawned upon the Province—the people had informed themselves—they had began to see and understand, and appreciate those glorious principles—the principles of the British Constitution ; they were not his principles alone—they were the principles of every British subject. He was a mere machine in carrying out the great system, and might die to-morrow ; but those great and glorious principles would live when those who now heard his voice would be laid low in the dust. Those principles were not intended for the exclusive benefit of one class, or one party, or one family ; but for the benefit of every class, of every party, and every family over the length and breadth of the land. Responsible Government held out even handed justice and fair play to all. He had put on the uniform when it was covered with obliquy, and had worn it amidst the scoutings and jeers of the world, and he now felt proud to wear it—for in it he had learned his drill ; and if some of his hon. friends had lately put on the uniform, they had yet to learn their drill ; they would have to go through all the grades, from the goose step up, before they could get fairly squared into action. He wished to cultivate good feeling with all ; yet he would now give his hon. friends notice, that if they intended to fill up the Government without giving their side of the house fair play, they might expect to have their every movement watched narrowly—and they would too. His hon. friend Mr. Hazen had recognized the principle that the Government was bound to protect the Heads of Departments —he need not be afraid of his hon. colleague, (pointing to the Surveyor General,) he was an old stager, and could take care of himself ; but they might expect a fair, open, constitutional opposition."

CHAPTER XV.

The Council filled up — As Conservative as ever — Severe attack of the Liberals upon the Government — Defence of the head of the Government — References to the distractions in Nova Scotia — The conduct of Sir William Colebrooke condemned — Charges as to the dispensation of patronage — Strange ideas with respect to the Departmental system — Party spirit fanned into a flame in and out of the House — Criminations and recriminations among the speakers — The Government hold their positions.

On the 16th of February the Hon. Mr. Hazen announced that the Council had been filled up to the number of eight—that Responsible Government was thus far conceded, and acknowledged to be in operation throughout the Province; the next step to be taken in order to perfect this form of Government, (said Mr. H.,) was the introduction of what was termed the Departmental System. This, he said, the Government thought unnecessary to introduce at present, it being considered that the Province was not at this time in a situation to receive it; when the country wished it they had only to ask for it, and it would be conceded. His Excellency in filling up the Government (said Mr. H.) had not identified himself with any particular party, neither would he do so, let who would array themselves against him. The interests of the different Counties and sections of the Province had been kept in view so far as it had been found practicable. It had also been frequently observed (said Mr. H.) that where too great a number of the members of the popular branch were called to seats in the Executive, an

undue influence was brought to bear upon the lower House; this, therefore, had been avoided as much as possible. It had also been had in view, that too many professional men should not hold seats at that Board, but that the different classes and interests should be fairly represented. In the first place then, the Hon. Surveyor General had been called, and had accepted office, and whose perfect knowledge of that Department, of which he was the head, would, it was thought, materially assist the Government in respect to that particular branch of duty. Next to him was the hon. member for Northumberland, Mr. Rankin, whose intimate knowledge with, and high standing in, the commercial world, fairly entitled him to a seat at that Board. The third and last was George Stillman Hill, Esq., a gentleman well known in the political world as an honest man, and who was formerly a member of this House.

These three gentlemen having been sworn in, took their seats as additional members of the Executive—so that the whole Government was now as Conservative in composition as ever. Mr. Hill, perhaps, was the most liberal member, so to speak, of all; he, however, was but one man, and lacked the fire and determination of the party, with which perhaps he had some sympathy. Thus, a stronger feeling than ever was aroused against the Government. They could not have adopted a more sure plan for hastening their own destruction than the narrow policy which governed them on this occasion. In closing the Council doors to the claims of the Wilmot party, and immediately afterwards throwing them open to the admission of three gentlemen, with which that party had no political affinity, it was like digging for themselves a pit into which they must inevitably fall. If the leaders of the opposition in the House were calm and temporizing, while the disposal of the vacant seats was still pending, now that it was no longer doubtful, but the worst known, the pent up fire of the party burst its barriers and raged with more fury than ever.

Mr. Brown concurred in the views expressed by the leader of the Government, to the effect that Responsible Government was now in working order in the Province. Every member who had signed the Address to the Colonial Secre-

tary in complaint of the Reade appointment, had acknowledged that doctrine. New light had dawned upon the Province, and the principle long since conceded was cherished by the people. He hoped all strife would now be laid aside, and that the distracted state of Nova Scotia would serve as a lesson for the avoidance of similar difficulties here. "He, "for one, was willing to give the Council, as now made up, "a fair trial, and if they were found not to go right, they "could soon apply a remedy. He would like to see them "during the next recess prepare and complete such measures "as they thought best for the good of the country, but he "did not wish to see them risk their office upon the mere "fact of those measures being adopted or rejected by the "House.* (Mr. Partelow, Ah! that's the point.) He was "a moderate man, and would go for moderate measures, and "for one was not disposed to offer any factious opposition to "the Government."

Mr. Ritchie was the first to advance in the liberal attack. As the debate (which was long and ably conducted on both sides) was one of those occasions which fired the blood of young members, tried their talents, and exhibited their political character in its true light, an extract of some length, from one or two of the leading speeches, will suffice to convey to the reader an idea of the grounds of attack and defence, as well as the constitutional state of the question at that day:—

"Mr. Ritchie would wish to say a few words—he was also a moderate man. The hon. member who had just sat down, (Mr. Brown) had pointed to Nova Scotia as a warning against party strife. He (Mr. R.) fully agreed in the sentiment; it ought indeed to be a warning to the hon. member of the Government from the City of St. John, (Mr. Hazen) and his coadjutors. What, he would ask, was the present Government but a party Government, with the exception of one *defeated* Liberal (Mr. Hill) thrown in as a little leaven to leaven the lump—but that Council would, before the next twelve months elapsed, have to appear at the bar of public opinion, before which tribunal let them stand or fall. It was true Nova Scotia was distracted with the strife of party to her very centre, and scenes disgraceful to a civilized country

* One of the fundamental principles of Responsible Government is, that all the leading measures concerning the vital interests of the Province, shall be initiated by the Government, upon which they must stand or fall.

had been enacted; yet who, he would ask, were the party to blame? Let his hon. friend of the Government beware lest by pursuing a similar line of policy, he does not force the liberal party of New Brunswick into a system of organization, from which party strife will also follow. If so, at his door will the sin lie. His constituency had sent him there to get them fair play, and he never would desert them. His hon. friend of the Government had said that it was not good to have too many Lawyers in the Government; perhaps not—but what he would ask, were men called at that Board to do? Was it merely to exercise the Government patronage placed in their hands, by bestowing places and appointing to office their particular friends? If so—and it looked too much like it—he would rather see the Constitution stripped of its Executive branch, and let the head of the Government hold the scales of justice, that should mete out fair play to all. His hon. friend of the Government had also formally announced that Responsible Government was now in operation in the Province; but the announcement, like faith without works, availed but little so long as it was not acted upon; the truth was, he (Mr. Hazen) had acknowledged the theory, but had denied the practice. He (Mr. R.) cared not whether the Council was filled up with extreme Liberals, or extreme Conservatives, so long as they brought forward measures for the public good, and worked them through; such a Government always should receive his support; this he feared would not be the case with the present Council. One of the first principles of Responsible Government was the practical benefit of the country; it was the duty of the Council for instance to gather all the information possible as to the real wants of the country, and having matured their plans, come down to the House and ask their concurrence thereto. He should, however, offer no factious opposition, but give them a fair trial, and if they did not work well they might expect to encounter his opposition."

Mr. Wilmot spoke at great length. It being a Constitutional subject, with him the study of years, he of all men could do it ample justice:—

"Mr. L. A. Wilmot said, that after nineteen days had been suffered to elapse, during which time his hon. friend of the Government (Mr. Hazen) had been labouring hard to complete that fragment of a Government which had ruled the destinies of this Province for the past year—after so long a time had elapsed, he now comes down and informs the House, that at length all had been completed, and that the Government had been filled up to the number of eight. There was a most remarkable feature in this movement, and

he should now proceed to show at whose door the blame lay. By referring back to the appointment of Mr. Reade to the office of Secretary of the Province, at which time he had the honour of a seat at the Executive Board—it would be recollected that this appointment created much dissatisfaction throughout the Province; this question caused a difference of opinion to arise in the Council, and they finally divided equally upon it—four for, and four against; the head of the Government then stepped in, and turned the scale in favour of his own son-in-law, and the result was, that the four who disapproved of the appointment resigned their seats, and left the Government, he forming one of that number. This one appointment therefore was the means of breaking up the Government; and what then, did they turn refractory, and seek to destroy the Government? No! They bore with them, and suffered them to get along with the Government of the country as they best could. But what was he told at that time, as a young man seeking honorable preferment in the country that gave him birth? He did not wish to create angry feeling upon this occasion, neither should he get angry himself. But what was he told? Stick to the Government through thick and thin, and you will get your rights! And he would now appeal to hon. members all round the benches if this principle had not been fully carried out? Had there been one single apppointment made since—and there had been some important ones too—from the floors of this House? No! And what was the reason? They almost to a man (except those who were rewarded with seats in the Executive) opposed that appointment. And again he would ask, who received the appointment after the objectionable person was displaced, through the interference of this House? Was it not one of the very individuals who 'stuck to the Government at all hazards?' Yes! and he was now enjoying his reward. Was this right? was it fair play? No! it was unjust, oppressive, and wrong. The fact was—and it could not be denied—that the present head of the Government was merely tolerated in this Province for the time being; and he would to heaven the day would soon come when his departure would be announced—and that he who should command respect as the Queen's Representative, would cease to be a bye word from one end of the land to the other. From some cause which seemed to be inherent in the people who first came to this Province, it was generally thought that the prerogative of the Crown was something sacred, handed down from above—and that any thing, no matter what, so long as it came from the Crown, it was correct, and they had no right to interfere with it. But that day had gone by, and the Government would henceforth be taught to know—and the cry

would echo from the Gulf shore to the Scoodic, that the people must have their rights—not only empty appointments, but those with pay too. He would now come down a little further, and take a review of more recent doings. His hon. friend who left the Government with him had since gone back; he had been requested at that time to take a seat, but refused. There was, however, one remarkable feature in all this—viz: that amongst all the negotiations that had been carried on between the Executive and himself, since the period of his leaving the Council, he had had no direct communication with the head of the Government; and although he who knew his heart, also knew that he had no ill feelings against any one of the Government, neither did he wish to create party feelings and strife; yet he would now tell them openly and candidly, that the day had come when the Liberal party in this country would have to organize—and organize they would; they had talent and influence on their side, and they would henceforth exercise it, in order that they should not for the future be misrepresented. What a proud and elevated position was that occupied by the constituency of this country, but a few short months since. What obsequiousness was manifested, and what a shaking of hands was there! Yes, they were a great people then, and their every wish was listened to with the most profound attention by the several candidates. But, lo! the scene had changed; and like the animal that sings and then dies, after their votes had been given, their influence was gone, and they were no longer remembered. As to the heads of Departments taking seats at the Council Board, he thought it but right that they who received the people's money should do the people's work; the Home Government had expressed the wish that the people of these Colonies should enjoy the blessings of self-government; but so long as these people could be humbugged and bamboozled with the cry of rebels and republicanism, just so long they would remain in the same position."

"Hon. Mr. Hazen rose to reply to some remarks that had fallen from his hon. and learned friends (Messrs. Wilmot and Ritchie) on his right and left; in the first place, if the hon. gentleman from York (Mr. Wilmot) meant to insinuate that he had thrown him overboard, he would now tell him that he had stated what he could not maintain for one moment. If that hon. gentleman was overboard, he had no one but himself to blame for it. On the other hand he had to say to his hon. friend (Mr. Ritchie) from the County of St. John, that if he (Mr. R.) had come here to attribute to him the stirring up of party strife, and the introduction of that state of political wretchedness which at present pre-

vailed in Nova Scotia—he also had stated what he could not prove. The hon. gentleman from York (Mr. Wilmot) had blamed him for casting him overboard, and the hon. gentleman from St. John (Mr. Ritchie) had also thrown out the insinuation that he was holding on to the Government merely for the sake of patronage of office; and he would now tell them both—and he meant the term to apply as strong as Parliamentary language would go—that their aspersions were most slanderous and foul! and had he (Mr. Hazen) chosen to come into that House, and make a disclosure of the secrets of Government, as that hon. gentleman (pointing to Mr. Wilmot) had done—he too might cast aspersions; but he could not do so without forfeiting his oath as a Councillor. The hon. gentleman (Mr. Wilmot) appeared to feel very sore that he had been left out of the Government, but as he said before, he had no one to blame for it but himself. He (Mr. W.) it was true had said he would go into the Government providing he could carry others with him; but had he named them? No! he had not—neither could he do so. Who, he would ask, was it that held the caucus meeting the other day concerning this matter?—those hon. gentlemen knew well who it was—and they had also tried to impose and force terms upon the Government, which no gentleman of honorable feelings could for a moment listen to; who that ever attempted to form a Government had heard of such a thing as a *carte blanche*? No one. Did the hon. gentleman for York expect the head of the Government to humble himself to his feet, and beseech him to fill up the Council with who he pleased?—if he had not entertained this idea, why did he not name the gentleman he wished to take with him into the Government? The fact was he had not done so—neither dare he do it. He (Mr. H.) regretted that the hon. gentleman was not in the Government, he was no doubt a man of talent and information; but, as before remarked, he had himself alone to blame for it. The hon. gentleman talked about forming a mixed Government, but in his opinion it was impracticable. Take for instance the two hon. members from St. John—one was a high protectionist—the other a rank free trader. Suppose then that these two gentlemen had undertaken to form a Government—what would be the result?—they would never agree—and would all resign in less than two days."

[It is feared that owing to the crowded state of the gallery during the delivery of this speech—and the noise which prevailed both in the gallery and House—that justice has not been done the hon. gentleman. The same remarks will apply to some of the previous speeches in this debate.]—*Reporter's Note.*

"Hon. Mr. Wilmot rose to explain. He had been charged by the hon. gentleman who had just sat down, with having forfeited his oath, and he now wished to know if he persisted in saying so still." (Here some mutual explanations took place which was not distinctly understood by the Reporter.)

"Hon. Mr. Hazen then rose and said, that he understood that the hon. gentleman (Mr. Wilmot) had disclosed something which had been told him in Council, but it appeared he had been misinformed; he had only to express his regret, and would now retract what he had said."

"Mr. Ritchie rose to explain with reference to something that had fallen from the Hon. Mr. Hazen, but was not heard connectedly owing to the noise. He was understood to say in reference to the caucus meeting that had been spoken of, that he had met Mr. Hazen under the Lobby—and was informed for the first time of the meeting by that gentleman—and that the reason why the gentlemen who proposed going into the Council were not named—they never had been requested to name them. As to the statement made by the hon. member of the Government, that they could not name them, he begged to say in reply, that they could have named not only three or four, but nine, had it been requisite."

Mr. John A. Street was the next speaker of any force in the House, or whose opinions appear to be worthy of a place in this record. It will be seen that there is a clashing of ideas—one portion of this hon. gentleman's remarks being an admission of all that any Liberal could have desired—while another portion, that which opposes the Departmental system, is such as any Conservative could have subscribed to, because it left just enough of the old planks to keep intact the main part of the old superstructure. We here see how crude were the notions entertained twenty years ago, with regard to the practical working of the British Constitution in a Colony:—

After some introductory remarks, Mr. Street said "he would now proceed to examine briefly the doings of the Government since the appointment of His Excellency's son-in-law to the Provincial Secretaryship. It would be recollected that at that time four of the members of the Executive retired from the Council, and four remained. The four who at that time retired had certainly acknowledged the principles of Responsible Government, as given by the late

lamented Sir Charles Metcalf in his answer to the "Men of Gore;" the four who remained, and those who at that time went into the Government with them, recognized the opposite principle, and supported the appointment. A vote of want of confidence had since displaced a part of this Council, and three out of the four who resigned their seats at the time of the appointment, had gone in again to supply their places. Now it certainly appeared to him that these three gentlemen had, by again accepting office, placed themselves in precisely the same situation they occupied before, there not having been any change in the Government up to that time; they certainly went into the Government again to support that Government; this was their position, in the view he took of it, and a most humiliating one it was. The hon. and learned member for York (Mr. Wilmot) had said, that he was told to "hold on through thick and thin, and he would receive his reward." (Mr. Wilmot—I drew that inference.) Yes, and it was a very reasonable one too. Where, he would ask, was the man to be found, who during the present administration had fearlessly and independently discharged his duty to his country, that had received the Government patronage? Not one! None but those who "stuck to the ship through thick and thin" had tasted of the loaves and fishes, while those who had done their duty were either cast overboard, or passed over without any regard being had to their claims. Look at the appointments that had been made of late; not one of them had been made from the floor of that House, and the reason was very obvious; there had been three very important appointments made within a short period of time; these were the Surveyor General, the Solicitor General, and the Advocate General; and to-day they had been told that the former of these gentlemen, with his hon. colleague, (Mr. Rankin,) and Mr. Hill, formerly a member of this House for Charlotte.* With the Surveyor General he could find no fault; as the head of one of the principal departments in the Province, it could not be doubted but that he would be of material assistance to the Government. Then as to his hon. colleague (Mr. Rankin) he was a gentleman well known, and of high standing; and in his opinion was a very proper person to take a seat at that Board. Mr. Hill was a gentleman well known in the political world as a Liberal, he had formerly been a member, and he for his part wished he was one at that time. As he said before, none but those who truckle and bend to the "powers that be," need expect preferment in this Province. He had some time since been fully aware of this fact, and as he could never descend to

* The Reporter does not make himself intelligible upon this point.

such means to secure appointment, he had of course ceased to expect it. Then there was the appointment of his hon. friend of the Government (Mr. Hazen) to the office of Recorder for the City of St. John; he did not mention this as wishing to find the least fault; but if that hon. gentleman had not gone into the Council to support the Government, he never would have received the appointment. He did not blame any man for taking care of himself, he would do the same if he had the opportunity; but all these things went to prove what he had previously stated. With regard to what is termed the Departmental system of Government, *he was of opinion that this Province was not yet prepared for it.* The observation of that celebrated man, Burke, in his writings on the French Revolution, was very applicable to this case —viz: 'That no man could afford to be thoroughly independent.' There were indeed but few, if any men in this Province, at the present day, who would be willing to hazard an office of emolument by accepting a seat at the Executive Council Board under that system; and the reason was obvious—they could not afford it; he did not believe that there was a single man in the Province who would give up such an office for the sake of his political principles; it was all very well to theorize, but the practice was quite another thing. He should not, however, oppose the present Government, unless he found them in opposition to the interests of the country; in case of such an event he would be found among the first to raise his voice against them."

This closed the debate. From this time forward the warfare between Liberals and Conservatives waxed warmer and warmer. Party lines in and out of the House were being more sharply defined. The debates thenceforward were regularly reported in several of the newspapers having large circulations. The country gradually began to take an interest in politics—the Liberals had their Organs and so had the Conservatives, and each side did its utmost to show that the other was wrong. Nor was the controversy always conducted in the most amiable mood, or in a style compatible with a dignified demeanour.

"Field days," as they were called, became after this of more frequent occurrence. In referring to them in their order, only enough of the matter employed in debate will be used to convey an insight into the subjects under consideration, or rather the chief arguments employed, on both sides.

On the 19th Mr. Hanington rose to submit a resolution,

for the discharge of the Committee appointed on the 2nd of February inst.—agreeably to a resolution of the Hon. the Surveyor General—to take into consideration and report upon the best method of surveying the Crown Lands. The object of the resolution was for the discharge of the Committee, since the Surveyor General had become a member of the Government, and was therefore in a position to take the initiative in a matter that had so much to do with his office.

Quite a desultory and an acrimonious conversation (for such it may be called) followed, in which strong party feeling was manifested. Reference, however, is only made to this discussion, with a view of showing that the power of theinitiation of the money grants not resting with the Government, was used as an argument to show why nothing in the way of measures could be introduced by the party in power.

"Hon. Mr. Hazen said he understood the hon. mover of the resolution perfectly well. This resolution only shadowed forth what would follow. Should the Committee be discharged, all the other Committees would follow the same way, and the Government would have to resolve itself into a Committee of Finance, and everything else. It had been said, and the cry was constantly being sounded—that the Government was a 'do nothing Government;' even the penny papers had taken up the cry. This all looked very fair in a newspaper; but the fact was, the Government was powerless, without a penny in their hands. Let the Assembly place the Government in the same position here, as the House of Commons placed the Government of England, and then if nothing was done, there would be some reason for raising the cry of a 'do nothing Government.' But what was the fact? The Government here was left for a whole year with about £350 for contingencies; yet some people seemed to think they should dig canals, lay down railroads, settle all the wilderness lands, bring out emigrants, and everything else. The Government had done all that was required to be done; they had already given to the House more work than they could do in six weeks; and if hon. members would turn their attention to that, instead of crying out 'do nothing Government,' he thought it would be much more creditable to themselves, as well as of advantage to the country. If hon. members wished for more work, he could soon let them have it; he would go to work and copy

the old Revenue Bill, and then bring it in, and he presumed there would be scrambling enough."

Mr. Wilmot followed in a lengthy speech—in which he reviewed the history of our Provincial politics, and showed why there had been such little progress made in our institutions and the prosperity of the country—all of which he charged to the obstructive policy of the dominant party, and their determination to maintain that policy.

The resolution was negatived.

CHAPTER XVI.

Registry of Electors — Anti-progressive opinions — Saint Andrews and Woodstock Railroad — Erroneous calculations as to its paying probabilities — Sketch of Mr. Partelow as a Politician — His extraordinary influence in the House as a Financier — The Diocesan Church Society — Salary of the Master of the Rolls — Opinions of three Members (now Judges of the Land) in regard to the proper salaries for the Judges — Debts due the Crown — The Leprosy and Lazaretto on Sheldrake Island — The House in "Ways and Means" — Looseness of the system of voting the Supplies — Inter-Colonial Free Trade.

On the 22nd February, on motion of Mr. Brown, the House proceeded to the order of the day, and resolved itself into a Committee of the whole, in consideration of a Bill to provide for the Registry of Electors for Representatives to serve in the General Assembly of this Province. A measure similar to this had from year to year been submitted to the House, and after lengthy discussions always thrown out. This was therefore regarded by the Conservatives, the ruling party, as one of those annual offerings which, in the days of reform agitation, was calculated upon—and to the discussion of which there could be no objection, since it was well understood that the House and country were not yet ripe for a change. At this time it was no uncommon thing for large numbers of unqualified persons to march up to the polls and vote* a particular ticket, the rush at times being too great, and the excitement of party too strong, for the polling Clerk

* Open voting.

to stop and challenge even a doubtful applicant. Mr. Boyd's testimony to the evil may be thus briefly expressed—he said he could speak feelingly upon the subject, being satisfied that "had there been a Registry Bill in operation during "the last election, he would not have been put to the trouble "which he had since experienced. The fact was, that the "rabble would pour in from all quarters, who had no right "whatever to vote, yet they would and did vote during the "last election. *After* Albert County was divided off from "Westmorland, more votes were polled in the latter than "ever *before.*"

The number of scrutinies that followed every General Election was the result of this lax system. The time of the House, or rather that of Committees drawn from the House, was usually occupied a large part of the Session dissecting the electoral lists, separating the genuine from the spurious votes, and striking a balance between the member in possession and the member in expectancy. Day after day the floors of the House (in consequence of this division of unproductive labour, as far as regarded the interests of the country were concerned) were all but deserted—the real business of the House in the mean time being at a stand still. Thus was time frittered away; and no wonder that a Registration Act was called for, as a remedy for the mischief. But what concerned the public interests in this respect, did not appear to suit the convenience of those hon. gentlemen whose private influence at the polls sometimes brought more votes for them than could be possibly commanded by the legitimate operations of their opponents. The principle with them appeard to be —it were better to stick to a bad cause, and be on the winning side, than honestly assist to do right in the House, and consequently risk defeat at the polls.

These remarks are not intended to be of general application, only for special cases. Some hon. gentlemen were opposed to a Registration of Voters, on principle, (or what the writer would call a mistaken view of things,) as they opposed the simultaneous Voting Bill at a previous Session, because they believed it would be attended with more evil than good. The political ken of these gentlemen, however, did not improve with the failure of their predictions—those made

with regard to the dangers of the simultaneous Bill, when it was upon the tapis—all of which were dissipated by the general elections recently gone through, as they furnished abundant evidence that the measure, when put into practice, worked successfully; and why not the same, it was fair to assume, would be the case with regard to a Registration Act.*

A few short extracts from several of the speeches will illustrate the views held by hon. gentlemen at the time in opposition to the Registry Bill—some of the remarks are rather amusing at this time of day, since the fears imagined have been disproved by experience. Mr. End "objected to "the giving over of the whole elective franchise of the Pro- "vince into the hands of the Assessors of Taxes for the diffe- "rent Parishes, as contemplated by the present Bill. He "would rather see universal suffrage come into operation, than "the present Registry Bill. Then again if this matter was "left in the hands of revising Barristers, an endless scene of "trouble and litigation would be the consequence. Old "titles that had for years been considered good, would be "torn up, and the title deeds of the whole country would be "sifted to their foundations. The hon. and learned member "concluded by warning the Committee to beware how they "dealt with the Bill, as he was satisfied it was fraught with "trouble and difficulties without end."

Dr. Thomson (of Charlotte) was the next speaker in opposition. So anti-progressive was this hon. gentleman at this time, that it appears by his remarks, which follow, that he would not only prevent the birth of Mr. Brown's measure, but would go back and strangle that which came into the world only a year or two before.† He (Dr. T.) "was satis- "fied should the Bill go into operation, that revising Barris- "ters would be required, which would cost the Province "more than the whole expense of legislation; he looked "upon it as a most iniquitous Act, and he for one would "never give his consent to burthen the people with such an "amount of cost, more especially as they had not asked for "it. This Act had been in operation in England, yet the

* Such an Act is now in force, (1867,) and works well.

† The Simultaneous Polling Act.

"Journals of the House of Commons for 1842 showed some-
"thing like fifty scrutinies which were demanded under its
"operations. This, he thought, did not speak any too well
"in favour of the Bill, and it would be worse here. He
"would rather throw out this and the Simultaneous Polling
"Act together, and take the old law after all. With these
"views he should oppose the Bill."

"Mr. Fisher thought a Registration Act a good thing,
"yet he thought this country was not yet sufficiently pre-
"pared for it; he thought a case had not been made out
"sufficient to warrant them in incurring the expense which
"must necessarily attend the Bill, should it go into opera-
"tion—and until such a case was made out he should oppose
"it. He was of opinion, however, that all the good intended
"by the present Bill, might be effected by a single simple
"amendment to the old Act; let the Assessors of Rates for
"the different Parishes attend the place of polling, and object
"to any man voting except he had a freehold. They would
"certainly know who had freeholds and who had not, in
"their own Parishes—and by this simple amendment they
"would have all the benefit intended by the present Bill.
"He would therefore oppose the Bill."

On motion of Dr. Earle, the Bill was postponed for three months.

On the 3rd March, a Bill previously introduced by Mr. Partelow, to facilitate the making of a railroad from St. Andrews to Woodstock, was committed. The arguments for and against this measure will be briefly noticed, for the purpose of showing the sanguine ideas entertained, especially in reference to the paying probabilities of the road when finished. The facilities chiefly asked by Mr. Partelow for the encouragement of a Company, were, that after the road was completed, and in successful working operation, 20,000 acres of land should be granted, and that the faith of the Government be pledged to pay 5 per cent., or £50,000, providing the railway should fail in realizing a sufficient profit to afford that amount to the stockholders. The object was to induce foreign capitalists to embark in the undertaking. Although this pledge might be given, Mr. Partelow said he was sure the Government would never be called upon to pay

a shilling—those who had originated the scheme were sure of its ultimate paying qualities.* Dr. Wilson opposed the Bill; he said the only encouragement that should be given by the Legislature, was a sum to facilitate the construction of a railroad from Halifax to Quebec. Mr. End contended that the Bill should be sustained, as the paying prospects of the road were unquestionable. It was useless, he said, to resist the spirit of the age; they had lived in what had been aptly termed "sleepy hollow" long enough, and it was high time they awoke. The Charlotte members, of course, could see nothing doubtful in a measure that was to be of such vast importance to St. Andrews. Mr. Brown could not see any difficulty or danger the Committee had to fear in granting the proposed guarantee; there was but little doubt but that the undertaking would be a profitable one, and the Province would not be called upon until the railroad got into operation, and not then, except the Company failed to realize five per cent. upon the capital stock. He could not blame hon. members for using caution in this matter, yet he was very sanguine of its ultimate success; he could not deny the evidence of his senses.

Mr. Ritchie would support the measure on account of the great public spirit manifested by the people of Charlotte. But he thought that this was one of the kind of measures that should be originated by the Government. It was his opinion, that a road from St. John to Quebec would be the one that would be of the most general benefit, and had the people of St. John been as alive to their interests as the people of St. Andrews, this road would now be in a fair way of commencement. With respect to the facilities asked in the Bill, he thought the cost of the undertaking, as proposed, would be nearer £200,000, than £100,000—nevertheless, he was willing to go as far as any one in extending the right hand of encouragement, for the purpose of getting the Province aroused from its lethargy, and new life and vigour infused into its industrial interests. People (said Mr. Ritchie) might term this a monomania, or what they chose—he was willing to stake his political character on the success of the

*This road has been built for some years, and has turned out to be a ruinous speculation to the original stockholders.

experiment; but he would not call it an experiment, it was worthy a better name. As to the guarantee of five per cent. on £50,000, asked for by this Bill, he considered it a most reasonable request. He was more against giving the land—he feared it would be locked up, and instead of being a benefit become an injury to the country; however, if properly guarded, he would not oppose it. With those views he would give the Bill his hearty support.

Dr. Thomson had no doubt of the success of the undertaking. As soon as the road was commenced emigration would follow, and settlers would plant themselves all along the line, making themselves and families comfortable. In this way the whole Province would be benefited. He was very anxious that this undertaking should be proceeded with —*he had no doubt of its success;* besides all the benefits which had been so fully and ably elucidated by the former speakers, there was still another. If they could believe Dr. Gesner, who had been well paid for searching for these things, the country abounded in mines and minerals; these would be opened up where there was an opportunity of transporting their products to the sea board—and this would afford another source of employment to emigrants.

Dr. Earle would support the Bill. He was satisfied that the revenue of the Province would be increased from ten to twenty per cent. after this road was completed. Matters of pounds, shillings, and pence, in regard to the first cost, should be left out of the question, in consideration of the great results that were to follow.

"Mr. Speaker Weldon said there appeared to be an unanimous opinion in favour of the Bill; and as several alterations were required in order to make it perfect, he would suggest that progress be reported, and the Bill perfected. This was the more requisite, as this was a money Bill, and could not therefore be amended in the other branch—besides it would be desirable to have the Bill go home by the April mail, for the Royal assent. By sending it home thus early, the home Government would be the more readily induced to lend their assistance to the undertaking, as no doubt they would send out emigrants in the Spring to be engaged on these works. He therefore trusted that if any hon. member had any serious objections to the Bill, he would now make a motion to postpone it three months, and let the principle of

the Bill be tested. He thought a clause should be introduced in the Bill, by which emigrants and others who intended settling along the line, for the purpose of working thereon, should have a pre-emption to their land during the time they were so engaged.

"Mr. End would move the postponement of the Bill for three months, merely to test the question.

"Dr. Wilson would still oppose the Bill, notwithstanding all that had been said in its favour. He was of opinion that it was taking a large amount of the people's money, and diverting it into a wrong channel; the Grand Trunk Railroad should be first constructed before these mere local branches were encouraged. He thought they had overrated their profits very much, and that the Province (should the Bill pass) would have to make up the deficiency.

"Mr. Boyd said he thought the objections of his learned and hon. friend the Doctor, to this Bill, were without proper grounds. The history of railways proved beyond a doubt that they were creative—when one was built others would follow.

"Mr. Botsford said that in speaking upon this subject, he felt a very great responsibility rested upon him; and as he should oppose his hon. colleague (Dr. Wilson) in this subject, he would state his reason for so doing. His hon. colleague feared that this Bill would interfere with the great Trunk Line. He (Mr. B.) did not think so, if he did he would most certainly oppose it. The facts in respect to the great Trunk Line were these. The Home Government had ordered a survey of the contemplated line, and upon the report of those Commissioners depended the whole affair. After the survey had been completed, and the report made, the British Government would either sanction or disapprove according to that report; and, after all, the money to carry on the work would have to come from England, and he trusted when this House should be called upon to lend their assistance to this great undertaking, they would respond to the call unanimously. With these views, he could not see how the Charlotte Line would at all interfere with the great Trunk Line. He would give it his cordial support; the very expenditure of £100,000 of capital would be of great benefit to the Province at large."

After a few observations from Messrs. Jordan and Smith, both of whom supported the Bill, the question was taken for three months postponement, which was lost, Dr. Wilson being alone in the minority. Progress was then reported on the Bill, and the House resumed.

Mr. Partelow, the introducer of the Bill, was at this time in his political zenith. His influence in the House was perhaps greater than that of any member who had ever held a seat there, before or since. He was Chairman of Public Accounts, and it was seldom that any sum proposed by him in Supply was negatived. He was what might be called the holder of the purse strings, and virtually controlled the distribution of the public funds, whether for ordinary or extraordinary purposes.* It was of most importance, therefore, for an hon. member, having a Bill to submit, to understand beforehand in what way Mr. P. was likely to look at it—for his opposition, if persistently maintained, would perhaps result disastrously to its passage through the House. While his speaking talents were by no means commanding—nor his aptitude for Parliamentary business equal to that of the Speaker, Mr. Partelow had a suave manner peculiar to himself, which made up for his short comings in other respects. He was almost sure to win men to his side who had already made up their minds to oppose him. His course of tactics was remarkable.

After a discussion had been going on for some hours, and the speakers on both sides nearly exhausted themselves, and in no amiable mood one towards another, Mr. Partelow, by this time understanding pretty well the drift of the feelings expressed *pro* and *con*, would rise and offer an amendment, so adroitly framed, that the combatants were appeased by what they conceived to be a concession to their wishes. Both parties would be pleased, each that the other had not gained a triumph. Many a howling tempest in the House has been lulled in this way through Mr. Partelow's—*management.*

The Bill above referred to was again taken up on the 5th March, and discussed, and carried with a few immaterial amendments.†

* Mr. Partelow was afterwards appointed Auditor of Public Accounts, which forbade his holding a seat in the Legislature. He died in Fredericton in 1865.

† At the third reading of the Bill, Mr. R. D. Wilmot moved a proviso by way of Rider, by which the Company would have to pay back to the Province all the net profits over ten per cent., until the amount should be paid in which the Province might previously have paid under the guarantee. After a short discussion the question was taken upon the reading of the Rider, which was lost—13 to 20.

A Bill to incorporate the New Brunswick Diocesan Church Society was then committed.

Mr. Ritchie moved an amendment to the Bill, which went to prevent any of the Clergy from sitting on the Executive Committee, except His Lordship the Bishop, who should be Chairman. This led to quite a long and tedious discussion, in which some degree of warmth was displayed. It was, however, finally agreed to report progress on the Bill, in order that those interested might confer together and hit upon such a measure as would pass without further controversy.

On the 5th March, Mr. Hanington introduced a Bill for the reduction, in prospective, of the salary of the Master of the Rolls—viz: from £800 to £600. Reference is made to this debate, merely for the purpose of showing what opinions were formerly held by three hon. members (now Judges themselves) in particular, with respect to the amount of compensation which they deemed sufficient for the Judges of the land. Mr. Ritchie (now Chief Justice) was of opinion that all the Judges should have a liberal salary, say £750. This he thought a fair remuneration. He looked upon this as a very delicate subject to meddle with just now, and should therefore say no more. If the hon. mover of the Bill, he said, would allow the blank to be filled with £700 or £750, he would go cheerfully with him—but £600 he considered too little, and if that sum was pressed he should oppose it. Dr. Thomson thought the introduction of the Bill just at this time quite uncalled for; to say the least of it, he said, it came with a very bad grace. Hon. Mr. Wilmot looked upon the matter in quite a different light. He thought it a very proper time to do something in the matter—for if one could judge from present appearances, there would be a vacancy in that quarter soon;* he therefore thought his hon. friend (Mr. Hanington) had done perfectly right in bringing in the Bill. As to the salary, he would go for £650 a year. What, said Mr. W., was the case in Halifax? That officer there received but £600 sterling, and had twice the amount of labour to perform. There was no

* Referring to a recent misunderstanding between the Lieutenant Governor and the Master of the Rolls, in regard to a particular matter.

use in talking about the education and talent that were required for this office—there was just as much talent and learning behind the bar in this Province, as on the bench, and it was fortunate it was so—it was required; he thought the bench was just as frequently enlightened by the bar, as the bar was by the bench. He would go for £650—this he thought sufficient. His Honor the Speaker (now Judge Weldon) thought this salary should be made the subject of an Address to Her Majesty's Government, with a view to its being paid from the Surplus Civil List Fund. He would go for £700 a year, as he thought this would likely pass in another quarter; but £600 he was satisfied never would. He was of opinion, that if any thing, the salary of this officer should be less than the Judges, for this reason: the Judges of the Supreme Court were necessarily absent from home half their time—while the duties of the Master of the Rolls did not call him from home at all. He would therefore throw out, for the consideration of hon. members, whether it would not be better to make a compromise in the matter, by filling up the blank with £700. This he thought would most likely pass, and become a law; but he feared very much if £600 would not destroy the Bill.

Mr. Carman looked upon the Bill as nothing more than an appeal to the sympathies of the unreflecting portion of the public. This being a new House, it was considered by some hon. gentlemen that a new broom should be introduced. Mr. C. would oppose the Bill, as he was perfectly satisfied that £800 a year was low enough for a Judge upon the Bench, whose duties were not only arduous, but the situation involved an amount of mental application unknown to any other description of officials in the Province. £600 a year might be enough for the Treasurer, [whose name had been mention in the course of the debate,] but certainly not for an officer like that of Master of the Rolls.

The Bill was sustained, 21 to 14—by which it was provided that the successor of Judge Parker should receive £600, instead of £800, as at present.

On the 8th March the House resolved itself into a Committee of the whole in further consideration of His Excellency's Messages. The first subject taken up was a despatch

from His Excellency relative to Crown debts throughout the Province. It appeared from a statement made by Mr. Partelow, that there was due the Crown, in the different Counties of the Province, upwards of £5,000, all of which was in sums not exceeding £20, being for the most part for Land purchased from the Crown by poor settlers. Mr. Partelow moved a resolution referring the whole matter to a Select Committee to report thereon. This subject elicited a short debate, which ended in the adoption of the resolution.

The next subject was the report of the Board of Health, connected with the Lazaretto on Sheldrake Island, in or near the County of Northumberland. The discussion, as usual, occupied some hours. Hon. Mr. Hazen went into the past history of the Institution—the cause of its erection—and the amount of money paid by the Province for its support. The hon. gentleman concluded, by observing that it remained with the Committee to say whether the Institution should be continued or not. Mr. Partelow observed that the House had come to the conclusion last year to grant no further sum for the support of this Institution; but at the close of the Session a Resolution had been passed, authorizing the Government to continue the Establishment for another year, and that the House would make provision therefor. He had not made up his mind upon this subject, as to the propriety of continuing the grant; but as the House was pledged to provide for the expenses of the past year, he should now move that the report of the Board of Health, together with the accounts, be referred to the Committee of Supply. A tedious debate ensued, during which some heart-rending descriptions were given of this dreadful disease, by Messrs. Brown and Carman, both of whom had visited the Institution. Mr. Carman made a most effective speech. These gentlemen described the disease as being of a most loathsome character; that it attacked the extremities—the fingers, nose, &c.; contracts the muscles, producing a short respiration, or difficulty of breathing, and finally ends in death—the patient lingering in some cases for ten and twelve years. From what fell from hon. members during the debate, it appeared that the Medical Faculty differed as to the nature of the disease—some asserting it to be of a contagious cha-

racter—others denying this to be the case. It appeared that the Commissioners appointed by the Government in 1844 to examine into the nature of the disease, were of opinion that it was contagious, which fact appeared by their report to the House. This opinion was subsequently denied by certain Medical gentlemen in Saint John, who wrote a series of letters upon the subject, which appeared in the public prints of the day. Mr. Carman said that he thought the opinions of the latter gentlemen, thus voluntarily given, without having had the opportunity of a personal inspection —and so directly in opposition to the report of gentlemen who stood higher in their profession—such report being made after every possible investigation, was, to say the least of it, a piece of presumption. Mr. End complained bitterly that the Government had totally neglected to take any precautionary measures for the prevention of the spread of this disease in the County of Gloucester. Mr. Partelow's resolution was finally sustained, and the Chairman reported progress.

On the 9th March, the House took up the adjourned order of the day, and resolved itself into a Committee of the whole in further consideration of Ways and Means for raising a Revenue.

[As the groundwork of this subject has been and will be travelled over every year, at all events for some few years to come, and pretty much the same arguments advanced, attended with no little acrimony, between the Protectionists and Free Traders especially, two parties then in antagonism, it is not necessary here to give a digest of the discussion. But as a specimen of the feelings evoked and the language employed in regard to the situation of the Province and the system in vogue at that time, the speech of a leading hon. member may be quoted. The discussion arose upon a motion made by Mr. Partelow to the effect that the Revenue Law of last year (1846) should be re-enacted for the present year, which motion was finally sustained. The following is an abstract of the speech. In speaking of the uncertain and irregular manner of ascertaining the probable income and expenditure of the Province, from year to year, Mr. Wilmot remarked]—

"Could any hon. gentleman tell him within £5,000 of the amount asked for, or required for the present Session? No! they could not; and here they were going on in the old way, voting money in the dark, with a thing for their guide called an 'estimate'—a sort of dark lantern, with which they were to grope their way through the mazes of Legislation. Where was the hon. member for Gloucester, (Mr. End,) who talked so much about the good old rules of our forefathers? He (Mr. W.) was opposed to the present principle of voting away money; it was, in fact, but giving to tax, and taxing to give, this way and that way—every stratagem was used which could be invented in order to carry favourite grants, and thus they proceeded from day to day by this system of combination and unprincipled collusion. (Cries of order, order.)—Hon. members might cry order as much as they pleased, it was true, and he cared not who knew it—let it go forth to the country at large. This system was what the hon. and learned member for Gloucester, (Mr. End) denominated 'the glorious old principles of our forefathers;' which should be held as dear as life itself. It was not now as in times gone by, when the Legislative Council and Executive Council were one, and consequently they could not now take the initiation of money grants. This left the whole power in the hands of the Assembly; and, now with the report of the Committee of Finance before them, His Excellency's Messages, Petitions and everything else, there was not one hon. member round the Benches could tell him within £5000 of the amount to be asked for, much less within £10,000 of the amount that would be granted during the present Session; and yet, (said Mr. W.) here we are in Committee of Ways and Means for raising a Revenue. But it would never answer to have too much information upon this point—if they knew exactly how far they could go and no farther, he perhaps would lose his grant, or another hon. member might lose a grant; this was the system that was pursued—he had held a seat there for twelve years, and knew 'the ropes' pretty well. He would now come to the Revenue Bill. Some hon. members had said it would be better to pass the present Revenue Bill for another year. He (Mr. W.) thought not; his hon. friend (Mr. Brown) had said that labour was the true source of wealth—yet at the same time he wished to see the labour done in another country—for this was the effect of admitting foreign manufactures in duty free. He was of opinion that they required a moderate protection on home industry for at least a little while yet. What was the meaning of the term 'free trade'? Suppose they were to allow the manufactures of the United States in duty free, what could we send them in return? Would

they take our timber and deals? No! They must have the money—nothing but the hard specie would answer them; let them in, and there would very soon be none left in the Province. Free trade, he admitted, was well enough if the country was prepared for it—but it was not at present. * * With respect to the subject of the Imperial duties on inter-Colonial trade, he was of opinion that the Home Government could not have adopted a more effectual means of cramping the energies of the Colonies. Lord Durham never uttered a greater truism than when he said—"that the British Colonies were like Foreign Nations to each other, without any of the benefits of diplomatic associations." These duties were in fact a disgrace to the Colonies. What was the case in the United States? They could learn a useful lesson there, in this particular. There was no restriction there—they had the whole American world before them for a market; the Shoemaker of Lynn could go where he pleased, from Maine to New Orleans, with his products. But New Brunswick rivalled all the world beside! Where is our Market? —Why at home—cramped up in a little narrow Province, containing about 150,000 inhabitants. The humble mechanic with a lapstone on his knee had a mind—an intellect; but so long as he had no market beyond the bounds of his own narrow Province, he would remain stationary. But tell him that the whole British world is before him and you set his mind at work. Those wholesome regulations of the United States had brought out the mind—the genius—the extraordinary genius of that people; little Countries make little Mechanics and little Statesmen. Look (said the hon. gentleman) at the extraordinary list of inventions, for which patents have been granted in the State of Massachusetts alone; England herself was indebted to them for many of her improvements in machinery. In this way the latent energies of the mind were brought into action, and he for one regretted that any restrictions had ever been placed upon inter-Colonial trade."

The House decided upon a repeal of the Imperial duties* —the Legislature of Nova Scotia having previously taken this action—to go into effect next year, 1848, after Her Majesty's sanction had been obtained. It was proposed that a correspondence should be opened between the various

* These duties had always been levied at the Custom House in addition to the Provincial duties—imposed for the purpose of giving the Manufacturers of England a monopoly of selling their goods in the Colonial Markets. About this time (1847) England changed her policy, and agreed to allow the Colonies to import from Foreign Countries, but to make no discrimination in the imposing of duties. Hence the present discussion.

Colonies, with a view to the abolition of all Inter-Colonial restrictions, Nova Scotia having already agreed with New Brunswick that their commercial intercourse should be free and unshackled. It was further understood that the Imperial Customs Department in New Brunswick should be abolished in 1848, and after that all the revenues to be collected by the Treasurer—up to this time the revenues were paid into two different departments—and the Imperial officers were either to be superannuated or provided for in some other way.*

* The late H. B. Smith, Esq., was Collector of Imperial duties, and was placed on a retiring allowance by the Imperial authorities. Mr. Lewin (now President of the Bank of New Brunswick) and Mr. Ellman belonged to the same department—both of whom also receive pensions.

CHAPTER XVII.

Constitutional Debate — Resolutions of Mr. Fisher — The Government asked to initiate Measures — The immobility of the Government — The Gallery excited — Mr. End's Amendment — Hon. Mr. Hazen's defence of the Government — Charges the Opposition with factiousness — The Government do all that they can without Money — Hon. Mr. Wilmot's attack — His exposition of the short-comings of the Government — Mr. Ritchie's Speech — Mr. Hazen's answer to the Opposition.

On the 16th March, another "grand Constitutional battle" (as it was called) was fought. Hon. Mr. Hazen had to combat a powerful opposition, almost single handed; for he was the only *speaking* member of the Government on the floors of the House. It therefore required nerve as well as ability to meet his political adversaries; and the hon. gentleman was equal to the occasion—for he certainly held his ground, and championed his colleagues in the Government through as severe a trial as ever Government was called upon to encounter.

The debate turned upon the resolutions given below, introduced by Mr. Fisher; and was continued all day, without a division being taken. It was again resumed on the 24th March. From first to last this debate, if reported in full, would occupy a large space. With such voluminous matter, it is difficult for the writer to give a condensed report, so as to convey an adequate idea of the arguments used.

"*Resolved*, As the opinion of this House, that while it fully recognizes the accountability of the Executive Council to the

Assembly, it will expect that henceforth the Provincial Administration will from time to time prepare and bring before the Legislature, such measures as may be required for the development of the Provincial resources, and the general advancement of the public interests.

"*Resolved*, As the opinion of this House, that in order to insure a successful administration, the Executive should be so constructed as to combine the talents and experience necessary for the efficient performance of the important duties required of them, and so also as to obviate the necessity of any organization of antagonistic political parties in the Province."

The first speech in support of these resolutions was of course delivered by the mover.*

"He (Mr. Fisher) thought the time had now arrived when the Executive Government of this country should take the initiative in matters of great public utility and importance. This was not the case at present—but it should be so; the country had a right to expect it. Instead of this, he had lately witnessed a growing disposition among hon. members on the floors of the House to take the lead themselves in these matters. Viewing matters in this light he had prepared two resolutions upon the subject which fully embodied his views. As to the duties belonging to the Executive Government, he had, when he first thought of this subject, prepared a resolution which read thus—'That it should be the duty of the Executive Government, from time to time, with the advice and assistance of Heads of Departments,' &c. He had shown this to some of his friends, who immediately said it would not do; it embodied the principle of Departmental Government. He had then abandoned that, and had prepared those now before them. He thought there could be no difficulty about the matter, except the Government had really come to the conclusion to be, in reality, a do-nothing Government. (Reads first resolution.) With regard to this, the first resolution, its principles were not at all disputed at the present day. What, he would ask, was the Executive Council of this Province? He looked upon them as a sort of standing Committee for the management of the business of the country. He thought the business of the Session would be greatly simplified by the Executive coming down at the commencement with a well digested scheme. He was aware

* As the subject of discussion was of a *Constitutional* nature, such as it would be well for the political student to understand, it is not considered out of place here to borrow something more than the usual amount of matter from the printed speeches—or rather the leading points of the speeches; and thus convey to the reader the speaker's own language without giving it in the narrative style of abridgment.

that it would be said in answer to this, that before they could do this, they must have the Departmental system brought into operation, and the Initiation of Money Grants surrendered into their hands. But he said, No! the Executive should take the lead in all matters of great public utility without these. What did the Executive want money for? Would that assist them in devising these measures? No! When did the Government of this country ask for money that they did not get it? But supposing the Government were to take the Initiation of Money Grants, would it follow as a matter of course that this House must assent to every scheme they chose to bring forward—that they would be compelled to vote for it? No! Would they then be any better off with all the money? A friend of his said to him the other day, (and he admired the remark at the time) that the people of this country had a right to demand that the united talent of the country should be placed in the Executive. His hon. friend (Mr. Hazen) would say, Oh, you want to make this country a little England. Yes, he (Mr. F.) would make it a big England if he could. He did not think the Executive should wait for the House to take the lead in matters of great importance. (Cries of—What would you have us do?) He could not at the moment say what. (Laughter.) His hon. friends might laugh as much as they pleased; but he would ask them if the Government of this country was in a proper position, when they opened the present Session without having had any correspondence with the sister Colonies upon the subject of the repeal of the Imperial duties! His hon. friend (Mr. Partelow) had, it was true, carried on a correspondence with the Government at Halifax—no doubt very constitutionally, and all that. (From Mr. Partelow—Only as a member of the House.) Yes, he (Mr. F.) understood that. He should not say much more upon the first resolution, but he asked the House to consider well before they came to the conclusion to reject these two plain resolutions. He had now a few remarks to make upon the second resolution. If the first resolution, then, be true, so must be the second. He would regret to see the day when the organization of violent antagonistic political parties would be found necessary in this Province—but that there were two separate and distinct parties springing up around them, was beyond dispute. It had been said by hon. gentlemen of the Government, that no such thing as party existed in this Province. It was true they were not like Nova Scotia—torn to the very centre—family divided against family, and brother against brother, by political party. But he would now warn his hon. friends of the Government to beware lest they stumbled upon the same block the Government had there. He did not wish in

a small Province like this, to see Party Government; it was no doubt best where there was plenty of material—but in this small Colony, with not over 200,000 inhabitants, there was little talent enough for one good Government. It was said that in Nova Scotia there were two parties. How long had this been the case? He would read a word or two from a letter written by Lord Sydenham to Lord John Russell, and dated Halifax, July 27th, 1840—(Reads as follows—'Five sixths of the Assembly here care nothing about party; their only care is to obtain money for Roads and Bridges—there is no party here, &c.') From this then it was evident that at that time there were no great parties in Nova Scotia; the outlines might have been there, but no regular organization had taken place. When then did this violent party feeling take place, and what was the cause? When Lord Falkland introduced a greater number of Conservatives into the Government than was right and just; that was the beginning of all the trouble and difficulty which had unhappily existed in that Province ever since. Lord Falkland had been recalled, and Sir John Harvey, with all his experience and ability, had failed to quiet them. There could be no doubt then but there were parties there, and they would go into another general election with all the bitter feeling of party strife. He would again repeat—let the Government of this Province take warning from this. He would now say a few words about the formation of the present Council, and in doing so he wished to preserve that good feeling which had always existed between the members of the present Government and himself, for many of whom he entertained the highest respect. The first reason assigned by his hon. friend (Mr. Hazen) for the present formation, was—that too many lawyers were not good. This he thought was the 'unkindest cut of all.' He admitted that the man who dealt in writs and fees alone, was too often narrow minded, but he had yet to learn that the noble profession of the law was to unfit a man from becoming a member of the Government of his country. Another remark of his hon. friend, (Mr. Hazen,) was this—that 'it was not good to have too many members of the House of Assembly in the Government, too much Executive influence,' &c. But how was the Government to measure that? the House alone should be the judge of this. He recollected the time when his Honor the Speaker was a member of the Executive, there were then perhaps more members of the House in the Council than would ever be there again. (From Mr. Partelow—I hope so.) Oh! yes, of course, but no matter how many were taken from the upper branch. There was also another remark—'The late appointments were made irrespective of political opinions.' They say we are all

Liberals! Why? Because we supported the House against Sir Archibald Campbell; another of the same class would say—because I supported Sir Archibald against the House; another would call himself a Liberal because he voted for the Marriage Act, and another because he voted against it. An hon. gentleman in another quarter, (Hon. Mr. Chandler,) said he was a Liberal because he voted for the College Bill, and another because he voted against it, and so on; they all wanted to be Liberals when it suited them. He could tell them what a Liberal was in his opinion. A true Liberal believed that there existed in the proper constitution of the country a remedy for every evil; this was the grand principle of Colonial Responsible Government. The Liberals were those who had contended that Responsible Government was suited to these Colonies ever since its introduction into Canada. The Conservatives were those who had always opposed it as being unsuited. The Liberals felt these things; he well recollected the Election of '41, when he and his hon. colleague (Mr. Wilmot) were told by the old Loyalists of the country, that they were Rebels. There was then a broad difference between a Liberal and a Conservative, and who he would ask, had narrowed it down? (From Mr. Wilmot—the Conservatives.) Yes, it was true; the Liberals had brought it out inch by inch, and he thought it to their credit that they had discussed these matters time after time with their political antagonists, and were still good friends. The proposition of his hon. colleague (Mr. Wilmot) to go into the Government with two other Liberals, could not, said the hon. members of the Government, be listened to for a moment. His hon. friend had made his terms too easy, he should have asked for four, and let there be an equal division between the parties. But say the Government—Oh! we don't know anything about Parties in this Province—we wish to put down all party feeling. He (Mr. F.) would like to see some of the members of the present Government try him and his hon. colleague (Mr. Wilmot) at the next Election, and see if they could put down the Liberals of York; (excitement in the gallery); he thought they would find their mistake before they were done with it. He hoped they might succeed in putting down parties in this country, but he feared they would not. He regretted that Mr. Hill had gone into the Government, but as he had, it could not be helped. He did not wish to prolong the discussion, there were the two simple resolutions, and he now put it to the House if they ought not to adopt them; they who did not vote for them, had no right ever to say another word about the formation of a Government; they would be completely shut out."

Mr. End followed Mr. Fisher; and, after speaking in opposition to the resolutions, moved the following amendment:—

"*Resolved*, That in the opinion of this House, it is not expedient to resign the Initiation of Money Grants into the hands of the Executive Government of this Province."

"Hon. Mr. Hazen said he would not, at this time, attempt to follow the hon. mover of these resolutions through his long speech. He was not aware that the hon. and learned member for Gloucester (Mr. End) intended moving the amendment—but as he had done so, he (Mr. H.) would vote for it. If his hon. friend would bring forward resolutions so vague in their meaning, he must expect such an amendment to be moved, as would not place the House in a wrong position. He did not mean to charge his hon. friend with being a schemer, but the resolutions placed him in a wrong position. If he voted for the resolutions, his hon. friend would turn round and tell him that he wanted to get the Initiation of Money Grants into his hands as a member of the Government. If he voted against them, the hon. mover would then say that he was opposed to the principle of the Government taking the initiation in matters of public utility. If his hon. friend (Mr. Fisher) would bring forward a plain, straightforward resolution, embodying the principle that the Executive Government of this Province should take the lead in matters of great public utility, having for their object the general benefit of the country, he would go for it cheerfully; but to go for resolutions so ambiguous in their character as these were, he could not. He did not think the hon. mover could find, any where, a precedent for the course he was now pursuing. He did not understand the language used in the resolutions of 'developing the Provincial resources.' How, he would ask, were the resources of this Province developed? Was it not in building and repairing roads and bridges? (Cries of—Yes, yes.) That then was the legitimate meaning of the words in the resolution. The hon. mover had said as much as though it was the duty of the Government to bring in a Revenue Bill. How, he would ask, could they do this, without having the Initiation of Money Grants? The hon. mover had also said, that he would yield up the Initiation of Money Grants to a proper Government. Then why did he not bring up the abstract principle, and let the question be taken upon it. He did not wish to shirk any legitimate responsibility—but should that question come up, he would vote against it. It was contrary to common sense to say, that any nine men composing a Government, could perform this duty as well, and

as satisfactory to the public, as it could be performed by the members of this House. He admitted the theory to be good—but this country was not yet prepared for the practice. He should, with these views, support the amendment —and thus save himself from being placed between the horns of a dilemma. As he said before, he would not attempt to follow his hon. friend through all the phases of his speech; neither would he attempt to defend his hon. colleague of the Government (Mr. Chandler) from the attacks made upon him —whether he was a Liberal or not, the country was the best judge. He did not wish to prolong this discussion; and having given his opinion upon the resolutions, and his reasons for opposing them, thus briefly, he should say no more.

The following is a condensation of Mr. L. A. Wilmot's remarks :—

"From the year 1840 to 1847, except one Session, the Executive Government had been constantly changing, going in and out. What could be the reason of this? Was it because they had been defeated in any Government measure? No! The first blow-up grew out of the Civil List expenditure. What came next? The appointment of Mr. Reade to the Provincial Secretaryship. O! patronage! patronage! It is that which constitutes the whole power of the Executive Government of this Province; and when the future historian of New Brunswick records the history of these times, he may sum up the whole duties of the Executive in these few words—The Hon. Mr. Hazen, by command of His Excellency, lays before the House certain Returns from the Crown Land Office! The argument used by his hon. friend from King's, (Col. M'Leod,) that the more power the more responsibility, was certainly an extraordinary one. He would now come down a little further. When he had the honor of being a member of the Government, he took his share of the work, and he claimed a like immortality with his hon. friend, (Mr. Hazen); having had some experience, he could say that the distribution of patronage was a most unpleasant duty. If his hon. friends of the present Government were gaining advanced positions in society, he wanted them to do so—not by the distribution of patronage alone, but by their political acts. But the most extraordinary speech he had ever listened to, was that delivered by the learned Doctor from Charlotte, (Dr. Thomson.) Why, where was he, or what was he; he was so far behind the age, that he was lost entirely—it would require a political spy glass to see him at all. The hon. member from the same County, (Mr. Brown,) had put the Doctor down as belonging to the school of 1766; but he thought he was away beyond that—out of sight. He

(Dr. Thomson) had said that a single despatch from the Colonial Office could crush our whole fabric. What! he (Mr. W.) would like to see him try it. Why it was very easy to see, that had not the principle of self-government been conceded to these Colonies, they would have ere this been dismembered from the parent country. The Home Government had seen this, and had very wisely conceded to the Colonies the blessings of self-government. What did the Home Government care about our local affairs?—such as a Cod Fish Bill, or a Bill to regulate the Herring Fishery, and such petty affairs? Nothing. They had therefore given us a Government of our own to manage these things. But what did they do? He would say, as he had said upon a former occasion, they moved about like the titular dignitaries of a chess board—they never stirred except by Legislative pressure, and when that ceased they stood still. He had now a few remarks to make upon the construction of the present Executive, and in making these remarks he did not wish to be considered as being at all personal. When he first made the offer to go into the Government with two others of his party, his hon. friend (Mr. Hazen) said to him that he considered it perfectly fair and right; yet upon second thought, he afterwards turned round and talked about a *carte blanche;* and although he (Mr. W.) was at that time silent, feeling and knowing he had no right, according to their rules, to reply—yet he would now take the opportunity thus afforded him of denying that he ever wished or asked for such a thing as a *carte blanche;* he never wished nor asked to have the privilege of naming those whom he wished to take with him into the Government—neither had he ever been asked to name them. While upon this point he would say, that they were not so very far apart after all—they came within one of agreeing. Well, under these circumstances, he had certainly thought hard that his reasonable proposition had not been acceded to. But a Government had at last been formed. During the first part of this Session, the five gentlemen who then composed the Executive were tenants at will, and remained so for nine days after the Session sat; and now forsooth they came forward and charged him (Mr. W.) with having dictated to them. He would ask the hon. gentlemen if they were not of the opinion, that had a vote of want of confidence been moved, any time before the filling up of the present Executive, if it would not have passed by a large majority? Yes, there was no question about it at all. (From Mr. Partlow—why did you not move it then?) Why did he not move it? He would tell him why. Had not that very hon. mem-

ber (Mr. Partelow) said to him in conversation about this matter—'wait a day or two and it will all be right.' If, then, a vote of want of confidence would have passed at that time, what, he would ask, had they done since, or what additions had been made to merit the confidence of this House? Why was Mr. Hill chosen a member of the Government? What had he done—or upon what principle was he appointed to a seat in the Executive? That very gentleman had, during the time the negotiations were pending, twice spoken to him upon the subject, and had each time approved of the course he (Mr. W.) had adopted; and since that he had been picked out of their very teeth—not that either, for he had never been in them. Yet this person, rejected by the constituency of Charlotte, had been put on to the Government *tail*, and formed the last *joint*. He had stuck on two days and then dropped off. First, there was the hon. member from Northumberland, (Mr. Rankin,) what had he ever done that he had been called to the Council Board? He was, it was true, a man of high and respectable standing as a merchant, and had been a long time a member of this House; but what his political principles were nobody knew—nor nobody cared. The Government had put him down *four*. There was his hon. colleague, (Mr. Baillie,) he had no fault to find with his appointment, he knew what he was made of, and believed him to be good stuff. The Government had put him down *two*—this made six. Then there was the rejected one from Charlotte—he had been put down *four*, making altogether ten. He had been thinking this matter over, and had found that had the Government *sat* one day longer, they would have exactly come up to the time of incubation with the hen. They had *sat* only nineteen days, yet the *Brood* had come out all safe. It had been said that the Executive could not take the lead in preparing and bringing down these great measures without money. How, he would ask, did he prepare measures without money; or how did other hon. members prepare these things without money? They were perfectly right if they could shirk hard work by subterfuges of this kind; (for those things were not done without labour;) but how was the work done at all? Why, it was done by Select Committees; he believed there were about forty on the Boards of the House at that present moment. He did not care much whether the resolutions stood or fell, yet the country would demand it from the Executive, that they should come down to the House and take the lead in matters of great public importance. He did not wish to have them stand or fall by the success or defeat of every measure; this was not at all necessary. He would like to have seen them bring in the Imperial Duty Act for instance. He

could not see how any man could construe the resolutions into the yielding up the initiation of the money grants. The plain question before the House was, as embodied in the resolutions—were the Executive Government of this Province prepared to take the initiative in matters of great public importance? This was the plain simple question, and the only meaning that could be adduced from the first resolution; the amendment then could only be intended to burke the question. One word more and he was done. He would now wash his hands clear of any thing like the formation of party. He wished to see party kept down, and hoped they might be able to keep it down. He wished to see nothing but good nature and good feeling prevailing around those benches; they should bear with each other, and respect each other's opinions. But he now charged the Government with having taken the very steps that would compel the Liberals to organize; they had in fact said to that party—you may do the best you can—we can carry on the Government of the country without you—we care not for your opinions—neither are you any more liberal than we are. Against such a line of conduct, he now publicly and solemnly entered his protest."

Mr. Ritchie spoke in substance as follows:—"It had been remarked by an hon. member that one dare not vote for the initiation of the money grants to be given up to the Executive. He (Mr. R.) had said at the hustings in 1841, that there would never be a proper Government in this Province until such an Executive should be constructed as would command the confidence, not only of that House, but of the country at large; and to an Executive of this description he would yield up the initiation of the money grants; and he had seen nothing since to induce him to alter his opinion. His hon. friend (Mr. Hazen) had said the other day, in speaking upon the Executive taking the lead in matters of great importance, 'what can we do?' He (Mr. H.) said he could copy the old School Bill, or the old Revenue Bill, and throw it on the Table like throwing a bone amongst a pack of dogs to quarrel about. That was not the way to bring down Bills to that House; they would and should have to come down with well digested Bills—take them up and explain them section by section, and state what they were based upon; and should they fail to work well after having been adopted by the House, they (the Government) would have to take the consequences. There was another extraordinary thing to which he wished to direct the attention of the House; he alluded to the present mode of conducting Crown Lands. Look (said Mr. R.) at the report of the Select Committee, which appeared upon the Journals,

respecting certain lands at the Grand Falls. (Reads last paragraph of the report.) He could not tell what to make of this. He was glad to see the head of that Department (Mr. Baillie) where he was, and he trusted he would explain matters connected with his office at an early day. Much had been said about the late appointments to the Executive; but if they intended pursuing the course they had been following all along, why increase them at all. Why fill up the Council? The old fragment could have brought down all the despatches from Government House, without the assistance of the new members, and that apparently was all they did. He had really expected that his hon. friend (Mr. Hazen) would have explained what he conceived to be the duties of the Government; and if the report which had gone abroad was incorrect, let him put it down in writing, in a tangible shape. His hon. friend had said the other day—'what has the Government not done?' He (Mr. R.) would now ask him in return, what had the Government done? When the question of yielding up the initiation of the money grants to the Executive comes fairly up, he would be prepared to give his opinion upon it; in the mean time he would go for the resolutions, and against the amendment. Before sitting down, he would say to the hon. mover of the amendment, (Mr. End,) that if he did not want to defeat the resolutions, he would withdraw his amendment; if he persisted in pressing it, he could only say to him as he had said before, that he would bring up the question again in such a shape that he would defy them to get out of it."

Mr. End was requested to withdraw his amendment, in order that the vote might be taken squarely upon the resolutions, but he refused. The discussion ended that day without a division being taken.

On the 24th March the debate was resumed, when another round of speeches followed.—[In order to dispose of this subject, while in hand, it is proposed by the writer to follow the debate to its close, thus breaking into the consecutive order of arrangement—and afterwards return to and follow the dates as they occur.]—Mr. Fisher led off, reiterating his old charges, and introducing new ones.

The Hon. Mr. Hazen said—"If the hon. and learned mover of the resolution would consent to add a clause, that the principle of surrendering the money grants was not embodied therein, he would support it; he contended that this principle was embodied in the resolution, let what would be

said to the contrary. (Confusion, and cries of yes, yes.—Loud cries of no, no, from the opposition.) And every hon. member who voted for that resolution, was in effect voting for yielding up the initiation of the money grants. The principal objection to this resolution was this—it was utterly impossible for any man to define the duties of a Government. (Here the hon. gentleman read an extract from the Biography of the late Lord Sydenham, showing his opinion upon this subject.) From this it was certainly evident, that the duties of the Government could not be defined in this manner, and hence the absurdity of passing the present resolution. He felt himself in duty bound to vote against it in its present shape, if he should, by so doing, subject himself to the imputation of having by his vote said—the Government will do nothing. (Here the hon. gentleman explained the position of the Council at the close of last Session, and down to the opening of the present.) There was a bare quorum of five, he would acknowledge—yet they had continued to carry on the business of the country up to the time of the late appointments. His hon. friend, (Mr. Wilmot,) thought hard that his reasonable request had not been complied with, but he (Mr. H.) could not help that; he had always wished, for his own part, to see him in the Government; yet he did not want him (Mr. Wilmot) to think that the Government could not be carried on without him. His farewell Address at the close of last Session had prevented his appointment during the recess; he at that time had bid farewell to political life, never more to be seen within those halls again, and he (Mr. H.) believed he was perfectly sincere. Was it to be expected that the Government would have been filled up before the elections? (Cries of no, no.) Why had the cry been raised of a 'do-nothing Government?' It was perfectly absurd to talk about it. What had they done wrong—where was the cause of complaint? Was not the Province in a quiet and flourishing condition? There was not a cry—not a groan from the country—not even a single petition against the Government; where then, he would repeat, was the cause for complaint? Surely there never was such a thing heard of before. How, he would ask, had his hon. and learned friend (Mr. Wilmot) been brought forward?—had he been sent here to cry out 'do-nothing Government?' If he (Mr. H.) understood the newspapers correctly, he (Mr. Wilmot) had been brought forward by the Conservatives of York, irrespective of politics altogether, and with a view to assist, by his talents and influence, in preventing the removal of Head Quarters to St. John. There had been no political speeches made by either of his hon. and learned friends (Messrs. Wilmot and

Fisher) at the time of the election—they had no complaints to urge against the Government at that time, neither had he (Mr. H.) heard of any until the present Session. If there were any, he now asked to be informed what they were, and what was the nature of the charge? On the contrary, some of the Government members—both Mr. Johnston and himself—had been returned at the head of the poll. This did not look much like unpopularity among the people. His hon. and learned friend, (Mr. Wilmot,) who was considered the leader of the opposition—had asked the question at the first of the Session—if they meant to carry on the Government with a mere quorum; he (Mr. H.) had answered no—and no man wished to see that state of things existing less than he did. However, the Government had since been filled up—but still they were not satisfied. His hon. friend, (Mr. Wilmot,) had talked about a vote of want of confidence the other day; what, he would ask, had the Government done to call for a vote of want of confidence? There never was such a thing heard of before; surely they would not bring forward a resolution of want of confidence without having something to base it upon. His hon. and learned friend from the County, (Mr. Ritchie,) had been returned by the same constituency with himself—yet he too had talked about a vote of want of confidence; why did they not put it—they were as rabid a set of men as ever any Government had to deal with. Hon. gentlemen were going to do everything when they were on the hustings, but this was soon forgotten; and when asked by their constituents why they had not done so and so, they would say—'O, the Government won't do any thing at all, and what can we do?' This was no doubt the cause of the cry 'do-nothing Government;' it looked very well in the newspapers, (looking towards Mr. Ritchie,) but it was an idle and vague cry to be raised against men who were doing all they could for the good of the country. [Here the hon. member read extracts from Mr. Fisher's speech as reported in the 'Morning News,' and commented upon the different paragraphs.] His hon. and learned friend (Mr. Fisher) had said that only those were Liberals who had fought for the principles of British Constitutional Government through evil and through good report; this was certainly a very exclusive and narrow-minded view. He (Mr. H.) was a Conservative, and would always remain one; yet this did not prevent him from acknowledging Responsible Government—he had, since 1844, fought for it through evil and good report, as well as his hon. friend had. He had no particular desire to be called a Liberal; yet he considered himself just as much entitled to the appellation as was the hon. mover of the Resolution.

His hon. and learned friend (Mr. Wilmot) called himself a Liberal too—but he was mistaken; he was a Conservative, properly speaking. His hon. colleague from the City, (Mr. Woodward,) was a Liberal of the Howe School—(he did not say this with the intention of casting any imputation)—he (Mr. Woodward) went the whole figure, giving up the money grants, Departmental system—resigning the office with the seat in the Council, and the whole machinery of the system; he, then, was a Liberal. A Conservative (as he understood it) was a man who was willing to adopt Responsible Government to a certain extent, but unwilling to go the length of an out and out Liberal. He regretted exceedingly that any misunderstanding should have arisen between him and his hon. and learned friend, (Mr. Wilmot) yet he hoped this had been satisfactorily explained. He (Mr. Wilmot) had made a most violent attack upon Mr. Hill the other day, for what reason he (Mr. Hazen) was at a loss to tell; he had since talked with Mr. Hill concerning the conversation alluded to by the hon. and learned member upon that occasion, and Mr. Hill denied that any such conversation ever took place. (From Mr. Wilmot—Does he really deny it?) Yes, he had done so to him. His hon. friend (Mr. Fisher) had in 1843 lauded the hon. member of the Government (Mr. Chandler) as being a Liberal, and had said that he (Mr. F.) would be willing to go into any Government with that hon. gentleman and the Hon. Charles Simonds. He mentioned this merely to show that his hon. friend (Mr. Fisher) had not drawn a correct line of distinction between the parties. He had read in a City paper early in March, that when the hon. member for York (Mr. Wilmot) returned from Queen's, there would be a grand attack made upon the Government. He looked upon Mr. Wilmot as the leader of the party, and had waited with much anxiety for the coming attack: but now it seems that the other hon. member for York (Mr. Fisher) had assumed the leadership, and had brought on the present debate. Since that it appears that they (Wilmot and Fisher) had been joined by the hon. and learned member for Northumberland, (Mr. Street,) and he (Mr. H.) had heard it reported that the Liberals of Fredericton were going to give him (Mr. S.) a dinner. (From Mr. Street—I hope so, I'm glad to hear it.) So was he too, but he thought he had better stay at home. [Here the hon. gentleman read from a 'New Brunswicker' a report or summary of the previous debate on the Resolution, and commented upon it as he proceeded, in a humorous style.] This was of course written by his hon. colleague Mr. Woodward. He mentioned these things to show that an attack upon the Government had been premeditated, and what had it amounted to? He had told them when he went down to the

city next day that his hon. friend Mr. Wilmot had made a most eloquent and amusing speech, and so he had; he (Mr. W.) had certainly shown them up in a most ridiculous light, and no one he was certain had laughed at it more heartily than he (Mr. H.) had. [Here Mr. Hazen took up Mr. Ritchie's speech and went through it, replying to the several arguments.] As to the Government doing nothing, he would say now as he had said before, that there was one class of measures which the Government could not bring forward without having the initiation of the money grants; there was another class which he acknowledged they could. The question of giving up the initiation of the money grants into the hands of the Executive, was fully discussed before the House in '43, when there were only five or six in favor of it. But the most singular resolution ever brought forward was that of Mr. W. H. Street's, (who was at that time a member,) 'that this House would vote for no money grant except it originated with the Executive;' for this, only three members voted, (Messrs. Street, Hill, and Fisher.) It was his opinion at that time, and he had not yet altered it, that they never should be given up; it was a right of the popular Branch, and they, as individual members, were sent here to protect those rights. It was impossible that any nine men could bring into the Government the amount of information and local knowledge possessed by this House. If they were prepared to do as they had done in Canada—erect the County into Municipal Corporations, and let the people manage their own local affairs, it would be all very well—the Government then could manage the rest. (Reads again from despatch of Lord Sydenham.) Here it had been very truly remarked, that no Council could bear up against the odium of refusing the innumerable demands for assistance that would be (if they had the initiation of money grants) made upon them from every part of the Province. Hon. members could tell this by the complaints about the division of the road money. It was nonsense to talk about it—the Government would be going in and out all the time. (From Mr. Wilmot—there's no doubt of it.) He acknowledged that the Government should take the lead in matters of great public improvement and advantage, or in other words, the general welfare of the people. But the word improvement meant great public works. This he thought was the distinction. (From Mr. Wilmot—get Walker.) How, he would ask, was it possible for any Government to prepare a Revenue Bill without knowing how much money the House intended to grant; this was not their duty at all. The same rule would apply to the Road Bill and the Appropriation Bill. This was the class they could not bring in without the surrender of the

money grants; these were the public improvements which, according to the resolution, were to 'develope the resources of the Province.' As to the Education Bill, he admitted they should take the lead in this; but the great difficulty was to get men to agree upon this subject. What were thirty or forty members sent to this House for—was it to sit idle and wait for the Government to bring in every Bill? It had been said it was the duty of the Government to assist in making railways. Suppose he had come down at the opening of the Session, and said—Gentlemen, I have expended £20,000 on railways during the past year, I have been 'developing.' What would be the cry then?—O, we have no confidence in you—turn him out. This would be the effect of 'developing.' Suppose he was to employ half a dozen Doctor Gesners and send them through the country 'developing;' these surveys would cost a large sum—yet they could not commence 'developing' without a preliminary survey. The fact was, the resolution was only calculated to mislead the Government and country both, and to be productive of much mischief. If the Government were to come down to this House and ask for £10,000 for surveys, they would not get it, and they knew it. It might be said in answer to this, that the present Government did not possess the confidence of the people; if they thought so, turn them out and get another. The same argument would apply to the subject of Emigration. As to the other class of measures, such as Education, Amendment of the Laws, Reduction of Salaries, Redressing of Grievances, and the like, he agreed that the Government should take the lead therein. He could take up the Acts of the Province, and show that many of the most important measures, for a number of years past, had been introduced by the Government; but having trespassed so long upon the time of the Committee, he should forbear for the present. He would only add, that he did not believe any man, or set of men, could carry on the Government without the confidence of the country."

The hon. and learned member concluded a two hours' speech by saying that he believed the Conservatives were quite as much entitled to the confidence of the country as were the Liberals, and by the decision of that country they would stand or fall.

CHAPTER XVIII.

Want of Confidence Debate continued — Mr. L. A. Wilmot's charges — All parties profess to be Liberals — The practicability and impracticability of the Responsible principle — Difference of opinions, pro and con, upon the initiation of the Money Grants — Charges against the "Old Compact" — Heads of Departments — Inconsistency charged against Members — Definition of a British subject — Mr. Fisher's Resolution rejected — School Reserve Bill — Emigration Scheme — The Temperance Organization — Monument to Captain Pipon — Provincial Lunatic Asylum — Captain Charles Rainsford of the 104th — Close of the Session.

On the 25th March, Mr. Wilmot commenced the discussion on the Want of Confidence Resolutions. He said—

"The hon. gentleman (Mr. Hazen) might have spared himself the trouble of making the defence he did. He (Mr. Wilmot) had heard that he (Mr. Hazen) was to be presented with a gold medal for his admirable defence of that nearly extinct race—the old family compact. He saw that he should have to cross a lance with his hon. and learned friend, (Mr. Hazen,) politically. Yet he hoped the same good feeling which had characterized the debate thus far, would be continued. A great deal had been said about politics and political principles; but his political principles were not of yesterday—he had gleaned them from the history of his country, a country which they were all proud to own. Would any hon. member dare to tell him that because we were three thousand miles from the heart of the British Empire, that the blood of freemen should not flow through the veins of the sons of New Brunswick? If so, he had yet to learn the reason. Before he sat down he would endea-

vour to show his hon. friends what the distinction was between Liberals and Conservatives—what the Liberals had done, and what the Conservatives had not done. Now to the resolution. His hon. friend (Mr. Hazen) had said yesterday, that the resolution meant initiation of money grants. When this announcement was made, he had heard a shout from the direction of his hon. friend, (Mr. Partelow,) in a tenor voice, and an hon. member in the rear (Mr. Barberie) joining in a sort of falsetto accompaniment. He thought his hon. friend (Mr. Hazen) was much to blame for having accused his hon. colleague (Mr. Woodward) with writing an article in a City paper. What, suppose he had written it, did not some of the first noblemen and statesmen in England write for the papers? He would not deny that he had written for the papers himself some little squibs. But it was wrong to place an hon. member in the position where he would have to affirm or deny it. A great cry had been raised of a contemplated attack on the Government, and after all it had turned out that their fears had been excited by a newspaper paragraph; the Government had fortified all their out-posts, and His Excellency and two Aids had been on the look out for the coming attack. At length his hon. colleague (Mr. Fisher) brought forward his resolutions, when they said to each other, 'why, this does'nt mean anything—this is no attack.' But they slept over it one night, cracked some wine upon it, and while sitting under the mahogany they had said—'Hazen, there is something in these resolutions of Fisher's, depend upon it—some hidden meaning—what shall we say it is—what will we call it—we must give them some ugly name, or they will pass.' 'O,' said Hazen, 'I have it—initiation of money grants—that'll do; I'll just go down to the House, and cry out "mad dog," "initiation of money grants;" Members will become alarmed, and we'll succeed in defeating them.' But the hon. member from St. John, (Mr. Jordan,) had made the most wonderful discoveries; he had taken a peep from the look-out station at the enemy; he had looked through a political microscope, and had discovered more than the Commander in Chief himself. 'Why,' says he, 'there's everything there—I see "free trade" and "protection" both, and let me see—I—there's the "Board of Works" too; and round on the other side I see "Municipal Corporations."' He would endeavour before he sat down to prove that the arguments of his hon. friend (Mr. Hazen) were fallacious. He (Mr. H.) had been 'developing' at a great rate yesterday; he was not asked to develope the money, but to bring down such measures as would develope the Provincial resources; this was the meaning of the resolution, and had not his hon. friend (Mr. H.) become alarmed

for the safety of the Government, there was no man into whose hands he would sooner have placed the resolution. But he had chosen to put the construction upon the resolution which he had done, and other hon. members said O, he knows what it means better than I do; he has cried 'mad dog,' and we'll follow him. The Government was not asked to bring in the Revenue Bill, or any other bill which involved the principle of money grants; all the resolution required was, that they should be prepared, at the opening of the Session, with such measures as might be considered for the general welfare of the country, and not keep the Assembly waiting two or three weeks for the motion of the Government, as had been the case this Session. Hon. members would recollect that there was a Constituency behind them, to whom they were accountable; but they might resolve, and re-resolve as they pleased, there was a spirit of inquiry abroad among the people, a political intelligence, which was not to be found a few years since when his hon. friend (Mr. H.) had denounced Responsible Government as all nonsense! What was the case when Responsible Government was first talked of in this Province? Who had descended from their lofty eminence to warn the people to beware of these new doctrines? The old Official Compact Party—they who had entrenched themselves behind the prerogative of the Crown in 1836, came down to the people and said—We who have done so much for you—we who have watched over and guarded your rights and privileges for so long a time, would warn you to beware of that dreadful monster, Responsible Government. These were the people who called themselves Conservatives! What, he would ask, did they conserve? Everything but the good of the country; and had the conservatism of '36 been carried out, an insulted people would ere this have risen in their majesty, and would have shaken off the yoke of bondage under which they had been labouring. It had been said by hon. members of the Government, that there was no distinction between Liberals and Conservatives. If this was the case, why had they objected to have him and two others taking seats in the Council because they were Liberals? Here was a question which he would like his hon. friend (Mr. Hazen) to answer. The Conservatives did not wish to see any power in the hands of the people. (From Mr. End—not too much.) The hon. member from Gloucester, Mr. End, had receded from his principles wonderfully; his speech yesterday was certainly a most extraordinary one; he had said to the Government in a most supplicating tone of voice—give me fair play—give me the appointment of all the Bye-Road Commissioners, Magistrates, Sheriffs, and so on, in Gloucester, and

I will support you; that is all I want. He (Mr. W.) would take care not to be misunderstood in these matters, he would not allow any man to be the exponent of his political principles. (Here the hon. member went at large into the principles of Departmental Government, explaining his views thereon.) He believed Departmental Government to be inseparable from our Institutions, but would oppose the immediate introduction of the whole system; he would bring it in step by step as the country was prepared for it. Some extraordinary notions were entertained as to the source from whence the power of the Government was derived; the freedom of Government did not come down from the Crown, it went up from the people; and if the people were fit for those Institutions, they were fit for self-government. He had frequently said, that they who got the people's money should do the people's work. (From Mr. Partelow—Yes, that's right.) He would now come down a step further—what was the case in '37? He was not going to disclose any secrets this time—but would speak low. He wished to ask his hon. friend (Mr. H.) if, after the Administration changed in 1837, the Government had the cordial co-operation of the heads of departments? No! there had been a counter-working going on—a constant endeavour to lead the Government astray, and place them in a wrong position, and his generous hearted friend (Mr. Hazen) had to come down to this House and defend them. It was a political fact, that previous to 1841 the heads of departments in this Province were in open hostility to the Government. (From Mr. End—they could do no harm.) If the departmental system was in operation, and their tenure of office depended upon their ability so to conduct the Government as to merit the confidence of the Assembly and the people, there would be none of this stabbing in the dark, and running off the track. It was, in his opinion, the only constitutional remedy for the good working of the Government. These five gentlemen who had lately formed the mixed Government, had asked for Departmental Government when they signed the Address to the Queen; yet now they refuse to adopt it. He would like to know when they intended to graduate—did it depend upon the age of the country, or the state of the atmosphere? The fact was, whenever the people of this country, through their representatives, chose to ask for it, they must get it. In 1844 they had run to the rescue of the Prerogative in Canada; *but the very next year the same case came down to their own doors!* The tune was changed then, and an Address was prepared to the Queen signed by the whole Assembly except five. Why was this brought about—why was the tune changed so suddenly? They at first

said Responsible Government was not fit for a Colony—the next cry was, it was not fit for New Brunswick, and finally they had said when they addressed the Queen—we must have it. Mr. Roebuck called upon Lord John Russell to explain what Responsible Government was, which he had done, (reads the speech as delivered in the British Parliament,) and when they had first asked for it here, it was in full operation in Canada. His hon. friend (Mr. Hazen) had accused him of having receded; but he would now ask him to point out how he had done so? He (Mr. H.) had also said that he (Mr. W.) was brought forward at the last Election by the Conservatives. True, but he had been backed by all his old friends, and he told them if they took him, they must do so with all his former opinions—opinions which he never would give up. When they talked about there being no difference in political names—there was a difference; those who had contended for liberal principles had their names covered with obliquy. They asked for a constitution that, while it protected the Queen upon the Throne, threw, at the same time, its paternal arms around the helpless infant. This they asked for—this they wanted—the pure—the free—the glorious constitution of England; for this they had contended, for this the Liberals of New Brunswick had fought, and let them call them rebels who had nothing else to write about, he cared not; they asked for a system that would give fair play to all—that would upset all Family Compacts, and give to the sons of New Brunswick their birthright—the benefit of free institutions and self-government. This was what they wanted, and he would not submit tamely to be called a rebel; he defied any hon. member to look at his political life and say where he had ever overstepped the bounds of the Constitution? If he did live three thousand miles from the great body of the Empire, still that Empire sent its blood through the veins of every British subject. A son of New Brunswick had the same rights to the benefit of her Institutions, as had the resident of London, and he (Mr. W.) would not submit to be cut off by any political manœuvrings.

"Mr. Carman followed at some length on the Government side of the question, and went pretty fully into the history of Responsible Government, from its introduction into Canada down to the present time; but denied that even the first steps had been taken in this Province, or that the Executive was responsible to the popular branch at all. He also thought it doubtful whether the celebrated report of Lord Durham had been written by himself. He thought we could never have Responsible Government until Departmental Government was also introduced. He did not wish to see

those British practices introduced into this Province—the country was not fit for them. He could not see why fault should be found with the gentlemen who had lately gone into the Government; he regretted that the hon. member for York (Mr. Wilmot) was not there—his talents, abilities, and the services which he had rendered the country, entitled him to a seat.—Mr. Gilbert said there were four lawyers in the present Executive, and three or four operatives. The latter class, he thought, should go out. But no! those old superannuated fellows would stick there in spite of them. Put the four legal gentlemen out, and you have seven of the same class candidates for the office. Let them go in, and the last state of this Province would be worse than the first. These office seekers made sappers and miners of the ignorant members; but he could see no use in this *digging* at all. He never would give up the initiation of money grants while he had a Legislative existence, and should oppose the resolution."

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Mr. Fisher said that on Tuesday, 16th, he had moved a resolution relating to the Government, and that after a lengthy debate the House had adjourned without coming to a division. He would now move the resolution a second time, as follows:—

"*Resolved*, As the opinion of this House, That while it fully recognizes the accountability of the Executive Council to the Assembly, it will expect that henceforth the Provincial Administration will, from time to time, prepare and bring before the Legislature, such measures as may be required for the development of the Provincial resources, and the general advancement of the Public interests."

To which Mr. Woodward moved as an amendment—To expunge the whole thereof, and substitute the following:—

"*Resolved*, As the opinion of this House, That while it fully recognizes the accountability of the Executive Council to the Assembly of this Province, it will expect that henceforth the Provincial Administration will, from time to time, prepare and bring before the Legislature, such measures as may be required for the development of the Provincial resources, and the general advancement of the Public interests."

The question being taken upon the amendment, the House divided as follows:—

Yeas—Mr. Fisher, Woodward, R. D. Wilmot, Brown, Street, L. A. Wilmot, Ritchie, Hanington, Miles, Hayward, Connell, Cranney—12.

Nays—The Hon. Messrs. Hazen, Rankin, and Baillie, Mr. End, Jordan, M'Leod, Barberie, Carman, Gilbert, Vail, Boyd, S. Earle, Smith, Wark, Botsford, Wilson, Read, Taylor, Thomson, Porter, Partelow, Steeves, J. Earle—23.

It was therefore negatived; and the original Resolution was likewise negatived by the same vote—when the House adjourned.

On the 20th March "the School Reserve Bill" was re-committed, on motion of Mr. L. A. Wilmot. The measure and the whole debate may be summed up in a few words. The Government were charged with having granted, since the settlement of the Civil List question, large quantities of lands to the Churches of England and Scotland, amounting to upwards of 6,500 acres, which lands were originally reserved for the use of Parish Schools in the different Counties of the Province. It was charged that the Government had no more right to interfere with those lands, after the passage of the Civil List Bill, than they had to touch the Bank of England. When it was thought for a certainty that the Civil List Bill would pass the Legislature, it was alleged that the Government in one day granted several thousand acres of those lands to the English Church—in trust to the Chief Justice, the Archdeacon, the Attorney and Solicitor Generals, and several other public officers—to be used as new Churches should be built.

The object of the mover was to prevent the School Reserve Bill from legalizing the titles given by the Government to these lands. The motion was sustained without a division.

On the 22nd the House went into Committee of the whole on a Bill, (prepared by the Emigration Committee,) introduced by Mr. J. A. Street, "for the encouragement of Emigration." As the question of Emigration has frequently been under discussion in this Province, and all sorts of theories advanced for the settlement of the wilderness lands, it may be useful to the reader at the present time to explain to him the nature of the plans proposed at a former period. The hints may serve also as a guide to future efforts in the same direction. The debate that followed was very lengthy; but the essential features are all that is requisite for the present purpose.

The Bill provided that the Province should be laid off into districts, and in each district there should be marked off blocks of land for settlement, under the supervision of agents to be appointed by the Governor, by and with the advice of the Executive Council. These blocks of land to be laid off in small lots, and given to such Emigrants as wished—upon their arrival—to settle in the country; to be paid for by labour on such roads as would be opened up through the lands. The Bill proposed to allow them three years to pay for their lands, and further to give them such pecuniary assistance as would enable them to purchase provisions for two years, also farming utensils, seed, &c. It was thought this would bring in a healthy class of Emigrants. The Bill further proposed to afford relief to destitute Emigrants in this way: That the different agents should lay out roads through these lands, and when applied to for relief by destitute Emigrants, they should be empowered to set them to work upon the roads, in order that they might earn enough to supply them with the common necessaries of life, until they could better their condition, leaving it discretionary with the agent to afford such relief to females, and others unable to labour, as they saw fit. It was contended in opposition to this measure, that it would require from £10,000 to £20,000 a year from the revenues of the Province to maintain the system. The agents too would require salaries; the laying out of these lands would require money; to convey these people from the sea board into the interior would also cost from four to five pounds a family; and after they arrived at the place of settlement, they could not be left there to suffer —they would require houses to shelter them, and provisions to eat. It was contended that the Home Government should bear a part of the expense. It was feared that should the Bill pass, it would induce a large number of pauper Emigrants to visit this Province, and after arriving here we should be obliged to take care of them in some way. It was further urged that the only feasible mode of affording relief to those people, or of settling the country, was to employ them at first on public works, until they became inured to the climate, and then those who wished might take up land and become permanent settlers. It was utterly impossible (it was said)

for poor people who might come here in June next, to support themselves, and provide for the severities of a winter season; the Province would have to erect them houses, and find them provisions. This had been the opinion of many eminent men, (among the rest the late Lord Sydenham.) To bring out Emigrants, and furnish them with provisions, &c., would have the effect of destroying their energies, and rendering them dependent and miserable. Besides, this Bill was in direct violation of a despatch from Earl Grey, dated in January last. His Lordship says, that to give them land, to be paid for in labour on roads, would be of little or no use. The Bill, it was urged, would cost an immense amount, if carried into operation, and would fill the Province with paupers. If the Home Government could be induced to undertake the construction of some great public works, (said one of the speakers,) such as the Halifax and Quebec Railway, or a military road between those Cities, it might then answer to hold out some inducements in the way of land. The Bill was useless, without some such public works to employ them at first. To give them land, and find them provisions, would have this effect—the moment you ceased giving they would leave the country. It was finally agreed to report progress.

On the 30th March a long Temperance debate took place. It was in consequence of a motion made in Supply to place on the books £50 for the Temperance Telegraph newspaper published in St. John. About this time the Temperance body was assuming formidable dimensions, and its influence was considered worthy of propitiation by hon. members on both sides. The system of government being in a transition state, will account for this to a considerable extent; although of course there were members who supported, or opposed the cause, or rather certain movements in connection with it, from principle—for example, Dr. Thomson in opposition to the grant, and Mr. L. A. Wilmot in support of it. Reference is merely made to the matter here (in passing) that the Temperance reader may, if he wish, consult the newspapers of that date, to know how matters, in which he feels a deep interest, then stood. Reference is also made to it, because in after years the organization

became so powerful that it led to the overthrow of the first Liberal Government formed in New Brunswick, and the testing of a great constitutional principle, in consequence of bringing into collision for the first time (under the new system) the Lieutenant Governor and the majority of the House. The division upon the grant to the Telegraph at the time to which reference is now made, will explain the influence of the body—it was carried 21 to 10.

Sixty pounds were placed at the disposal of the Government, for the purpose of erecting a monument to Captain Pipon, a young officer of the Royal Engineers, who was buried in Fredericton.*

On the 9th April, Hon. Mr. Hazen brought in a Bill for the erection of a Provincial Lunatic Asylum, the principal features of which are as follows: the Government to appoint Commissioners, and appropriate a sum not to exceed £12,500; £5,000 to be drawn the present year, £2,000 for the purchase of the land. Plans and specifications to be sanctioned by the Government. The Bill was sustained.

On the 10th April, Mr. L. A. Wilmot moved in Supply for a grant to enable Charles Rainsford, Esq., late Captain in His Majesty 104th Regiment, to purchase 500 acres of land. Mr. Ritchie having expressed a hope that the grant would not pass, Mr. W. said that Mr. Rainsford had rendered a most valuable service to his country at the time the 104th marched through the woods on snow shoes to Canada; he had heard him spoken of by people up the river who knew the circumstance. Mr. Rainsford had performed one of the greatest feats on snow shoes ever undertaken by any man, and had

* This officer had been on the Inter-Colonial Railroad Survey, as an associate with Lieut. Henderson, and was drowned in descending the Restigouche River, under the following circumstances:—The canoe in which he and the canoeman were, was overturned, and both swam for the shore, which they reached in safety. The former on gaining his footing seeing a fisherman in a canoe which they had passed at the head of the rapids, a considerable distance off, and that the boy with his head just above the water, and clinging to the bow of the canoe, was being rapidly carried down the stream, Capt. Pipon immediately plunged again into the rapid, and swam straight for the canoe. He found, however, from the weight of his clothes and the strength of the water, that he could not reach it, and he turned to regain the shore; scarcely had he done so when he suddenly gave up swimming, his hands paddled convulsively above his head, and the strong deep waters swept him down; and although the man who had swam ashore with him at first, seeing his danger, at once plunged into the water, his efforts to reach him were fruitless, and Capt. P. sunk to rise no more in life. His remains were recovered and brought to Fredericton for interment.

thereby saved the whole Light Company of that Regiment from frost and starvation. This feat was spoken of (said Mr. W.) among the French and Indians to this day; besides Mr. R. had rendered further valuable services to his country on the battle field, and he (Mr. W.) hoped they would not refuse this trifling tribute of respect to so worthy and deserving a man. The grant then passed without further opposition.

On the 14th of April the Legislature was prorogued. In His Excellency's closing Speech the following occurs:—

"It is especially gratifying to me that you have concurred in the importance which I have attached to the introduction of an improved system in the management of the Parish Schools; and I hope you will have reason to find that the powers which you have entrusted to the Executive Government, as a Board of Education, have been exercised in such a manner as effectually to realize the objects for which you have so liberally provided.

"The Acts you have passed for the removal of all fiscal restrictions on trade between these Colonies, and for the protection of English Copyright in books, will, I doubt not, be productive of all the benefit to be expected from measures which evince your liberality and sense of justice."

(1848.)

CHAPTER XIX.

His Excellency's Speech — The Opposition attack upon the Speech — Reply carried — Erection of a City Hall in Fredericton — Removal of the Seat of Government question again opened up — Want of public spirit among the Frederictonians — The Usury Laws — Opposition to their repeal by Liberals — Exploration of a Line of Railroad from St. John to Shediac — Colonial Office Despatches — Halifax and Quebec Railroad — A tilt between Mr. Hazen and Mr. Wilmot — The intermeddling of the Colonial Office — Why there are better Roads in New Brunswick than in Nova Scotia — Discussion on the Initiation of the Money Grants — Temperance Temple Company, St. John — Tenure of Office.

The Session of 1848 was commenced on the 19th January. The following extracts are made from His Excellency's Speech. The reference to the financial management of our affairs is indicative of the evil effects of the old system :—

"A deputation from the several Provinces having met at Montreal in the last year, on the invitation of the Governor General, to consider of a proposal from Her Majesty's Government for the transfer of the General Post Office, and for the introduction of a uniform system and rate of postage, it was attended by a member of the Executive Council, and from the result of the deliberations of the Board, which will be laid before you, I hope that this important measure will be satisfactorily accomplished.

"It is with much regret that I have occasion to notice the occurrence of disturbances in some parts of the Province,

which have led to the commission of serious outrages, calling for active interposition in support of the laws, and for the adoption of measures for the better security of life and property, by providing more effectually for the Police of disturbed districts, and by improving the means of secondary punishment in the prisons.

* * * * * * * *

"A spirit of improvement would be excited in the Local Communities by an improved system of finance, which would facilitate the judicious application of the public credit in the execution of works of acknowledged benefit.

"By such measures, I should confidently hope that the resources of the Province would progressively be developed, its revenues sustained, and the community preserved from a recurrence of those distresssng reactions which are the ordinary consequence attending the disturbance of the general course of trade."

Mr. End moved the Address in reply to the Speech. In the course of his remarks he said that he attributed the arrival of the clouds of wretched people, who had landed upon our shores during the past season, not so much to the famine in their own country, as to the Irish landlords. He regretted having to attribute blame to a body of men, against whom the hand of the assassin was already raised; but from many cases which had fallen under his observation, he was satisfied they (the landlords) had not acted properly. In commenting upon that paragraph in the Speech which refers to road appropriations, he remarked, that he was really tired of this everlasting harping upon this subject—those who talked so much about it were really ignorant of the state of things in this country; it was all very well for them to ride out in their carriages upon their fine English turnpikes, and speak contemptuously of a two pound grant on a road in New Brunswick; but if they were out here, and had been through as many mud holes as he had been, they would not talk thus.

Chafing under the disappointed hopes of the previous Session, when the Liberals sought to have a fair representation in the Government, the Session now opening was destined to be even more stormy than the previous one. The leading Liberals were therefore to the front, with their javelins poised, ready for a thrust at any vulnerable paragraph which might be presented in the Speech. The Address in reply furnished the first opportunity for charging home upon the

Government. Mr. Partelow proposed that that part of the Speech which referred to the Post Office negotiations, should be referred to a Select Committee to report upon. Mr. Ritchie sprang to his feet, and said that as the Government had this matter in hand during the recess, it was *their duty* to introduce a measure for perfecting the arrangement. He thought that notwithstanding the odium that was attempted, last Session, to be cast upon the term "developing the resources of the Province"—and the rejection of Mr. Fisher's resolutions—the "pressure from without" was becoming great, and the Government was beginning to feel it too. The old practice of governing a Province merely for the benefit of a favoured few, would not answer any longer; the fact was, the people required that Government men should work, and it was right they should. They had the means for collecting information no single member had, and they should come down prepared with measures upon important topics; the House would then become what it should be—a deliberative body. It was in this way that the resources of the Province would become developed—hooted at, as the term had been.

"Mr. End said that referring this subject to a Committee would not take it out of the hands of the Government; he thought that the lessons to be learned in the other Colonies should teach hon. members moderation. He denied that the term 'developing' had been hooted at; the members of that House should not be mere cart horses, but teamsters too, with brains. He was willing to see the Government work, but did not wish them to do all. Had the resolutions spoken of passed last winter, hon. members would then have said—O! we'll wait for the 'moving of the waters,' until the angels come down upon the house tops, and stir the pool. He did not like this breaking up of old systems, because they were old; the feelings of the people were against this breaking up system and party feeling, and party Government too. Hon. members might talk of being 'thrown overboard,' and so on; but if a Jonah did get overboard, he trusted no whale would pick him up and cast him ashore again.

"Mr. Wilmot threw back the insinuations of the hon. and learned member from Gloucester with some warmth. He said he (Mr. End) had been delivering himself of a few fragments, and he trusted he would now feel better. According to the doctrine of the hon. and learned member, the 'Gov-

ernment team' might be composed of totally blind horses—it made but little difference what they were, so long as they —the mules—had to do the work, and not wait for the angels to come down and move the waters of the pool, so that the halt, and the lame, and the blind, might come in. He (Mr. W.) did not understand the hon. member in his allusion to the surrounding Colonies; the history of our Constitution showed that the greatest danger was to be feared from too great a degree of quietude. It was by a constant watching that a proper energy was infused into the different branches of Government, and a just balance of power thus preserved. He did not wish to break up old systems, but to revive a still older one. He acknowledged himself one of the opposition —a Liberal—a Radical; or as he had been frequently termed —a Rebel, if it suited them better. (Cries of no! no!) He trusted this matter would be left in the hands of the Government.

"Hon. Mr. Baillie regretted that his hon. colleague in the Government (Mr. Hazen) was not present; but let whatever steps be taken, there must be a reciprocity of action on the part of the different Colonies; Government could not bring down a Bill until some correspondence could be had with Canada and Nova Scotia. The hon. member continued at some length, and stated, among other things, that the Government were prepared with measures to 'develope the resources' of the Province. Mr. B., in the course of his remarks, also stated that there were in this Province 11,000,000 acres of ungranted Crown Lands, which, at 2s. an acre, were worth eleven hundred thousand pounds."

Mr. Partelow's resolution, however, was carried without a division, as were also three others, referring different subjects of the Speech to Select Committees.

This may be put down as the first party breeze of the Session—to be followed by many more—but only a few such discussions can be noticed; for in these constitutional debates there must necessarily be a great deal of repetition.

The Address was finally sustained and conveyed to His Excellency.

Hon. Mr. Baillie introduced a Bill for the erection of a City Hall in Fredericton. He was opposed by several of his colleagues, on account of the large County debt still existing. The discussion of this measure brought up the removal of the Seat of Government question. One hon. leading gentleman contended that the Seat of Government would be

removed from Fredericton within five years.* The necessity for the erection of a City Hall was admitted by every member. The Court Room then used, was unfit for the purpose—a disgrace to Fredericton. Besides, there was no public clock. If a Hall were put up, a cupola for a Clock might be placed upon it.† One of the members for York in supporting the Bill, made some remarks not at all complimentary to the public spirit of his constituents. Some of his observations are here given, although had they been made by an outsider, it would not be considered prudent to notice them—nor are they here noticed because the writer sympathizes with the views expressed. He said there was a great deficiency of public spirit and enterprise in Fredericton. There is (said the speaker) the up-town party and the down-town party—the upper crust party and the middle crust party. (From Mr. End—and the sauce party.) Yes, and the sauce party too. There was no energy manifested about public affairs—those who were most able, were the least willing; and those the most willing, were the least able. He would almost advocate the removal of the Seat of Government, if he thought it would be the means of infusing a little energy into some people. But he would now tell the hon. mover of the Bill, that the seeds of mortality were already sown in its vitals; a tax of 2 1-2d. each on some men would frighten them almost to death; and if the Bill did, through careful nursing, live to reach the door up stairs, it would meet with a very sudden death after it got inside. (Progress was then reported, and the House resumed.)

A Bill introduced by Mr. Woodward to exempt Bills of Exchange and Promissory Notes from the effect of the Usury Laws, was committed on the 27th Jan., and gave rise to a very spirited debate, in which the principle of the Usury Laws, as then existing, was closely examined. Mr. Fisher thought

* The prophecy still remains unfulfilled. It is to be hoped that the Seat of Government (or what is left of it) may now be regarded as a fixture. Nothing has tended more to the unsettled value of property in Fredericton, than the agitation of this subject from year to year.

† The brick building called the lower Market House, sprang out of this Bill. But considering the use to which it has been put, it is an extravagant waste of money. For the last four years it has been used as a temporary barracks. The fine Court Room up stairs had but for a short time been used as such. As for the Clock, if it were not for the Cathedral, we should be all astray for want of the right time.

the Usury Laws* were useless, and he would go for their total repeal. Every man in the community could raise the price of his commodities, except the money lenders, and they were prevented by these Laws from doing so. He would repeal them, and in the absence of any special agreement, let 6 per cent. be considered legal interest. The trade of the country could not be carried on in strict conformity with these laws; they formed an entrenchment, behind which rogues and dishonest men took refuge.

Messrs. (L. A.) Wilmot and Ritchie anticipated dire consequences, if "the present laws were disturbed." The feelings entertained were more alarming than experience has justified. The latter gentleman said—"relax those laws, and "where is the man having money to lend, who would let it "out for six per cent, when he could get twelve—the effect "would be to place the whole resources of the country into "the hands of some half a dozen money lenders".† The former hon. gentleman said—"the abolishment of the Usury "Laws would, in his opinion, be politically wrong; and who-"ever sanctioned a law by which one man could take advan-"tage of the necessities of another, sanctioned that which "was morally wrong. Who, he would ask, would be bene-"fited by the repeal of these laws?—the Money Lenders. "What branch of trade or industry had prospered in this "Province, by paying even six per cent. for money? Not "one. If then ruin had been caused by the payment of six "per cent., what, he would ask, would become of the country "had they to pay twelve? The Lumbermen—men who have "manifested an enterprise, and an energy of character, which "if directed into proper channels, would have enriched them, "had—nineteen out of every twenty—ruined themselves, "at even paying six per cent. What would the Banks in "Saint John do if this Bill were to pass? These institutions

* It has always been the opinion of the writer that money, like any thing else, should be allowed to find its own level in the Market; and the effect would be quite the opposite to that feared by some—viz: that monied men would keep their money in the Province, instead of seeking, as some of them do, foreign investments, and thus add to the wealth of the country, as competition in this respect as in others, would enable enterprising persons to obtain money at reasonable rates, perhaps less than 6 per cent.

† The Usury Laws, however, have been modified of late years. While the law will not enforce more than six per cent, it will not prevent a lender taking ten per cent.

"were in the habit of leading men on step by step during "the continuation of prosperous times; but the moment a "cloud arose in the commercial horizon, they began to haul "in their sheet—to press hard; and the consequence was, "utter prostration and ruin. Did his hon. friend (Mr. Fisher) "mean to tell him, that these men would step forward, after "the passing of this Bill, and relieve the commercial pressure "by advancing money at the rate of ten per cent. interest? "He thought they should be extremely careful how they "placed in the hands of any man, or body of men, a power "by which they could do wrong. He was opposed to the "Bill, and could not see how it could ever be supported.

Mr. Woodward summed up in a brief speech. He said—"The hon. gentleman's morality (Mr. Wilmot's) was six per "cent.; his, was the state of the market. He thought a man "perfectly justifiable in paying ten or twelve per cent. for "money, providing he thought he could do good with it—"and he could not see any thing morally wrong in the trans-"action either. He would not take up the time of the House; "the provisions of the Bill had been found to work well else-"where, and he hoped would pass here."

The question being taken upon Mr. R. D. Wilmot's motion for postponement for three months, the House divided—22 yeas to 7 nays—and so the Bill was lost.

On the 28th Jan. Hon. Mr. Hazen brought in a Bill to authorize the exploration of a line for a Railroad from Shediac to Saint John. He also, by command of His Excellency, laid before the House several Despatches from the Colonial Office, relative to the exploration of the line of Railway from Halifax to Quebec. One of these speaks of the report of Major Robinson as being favourable to the undertaking; and intimates to the House, that the time had arrived when it would be called upon to redeem its pledge, by defraying a just proportion of the expense of Survey.

In regard to the Shediac Railroad, a sum of money was asked for having the exploration made. Quite an animated discussion followed. Mr. Jordan made quite a lengthy speech in support of a grant. In answering Mr. Jordan, Mr. Wilmot, who opposed, amused the House for some time—at the expense of the projected scheme. The observations which

follow are merely given to show what was thought of the road and speculation at the commencement.

"The hon. member (said Mr. W.) talks about the income —the immense income to be derived from this Railroad? I can fancy myself being at St. John, and witnessing the arrival of the Lake Lomond train, laden with huckle-berries and birch brooms! Yes!—and there is the raspberries too—why the mind becomes lost in attempting to estimate the immense amount of profit to be derived from this extensive trade. Yes—and there was the salt mines up in Westmorland, and the oysters over at Shediac, the Cumberland butter, and Tantramar hay. Taking these things all together, it would be a great trade; it would also be a great advantage to an hon. friend who had to travel so far around in going home; after this railway was established, he could jump into a car, and in a few minutes he would be at home, in Restigouche.

"Hon. Mr. Hazen retorted upon Mr. Wilmot. That hon. gentleman had attempted to ridicule Lake Lomond; but he could tell that hon. and learned gentleman, that Lake Lomond, considering its advantages, evinced a greater amount of industry and public spirit than did the City of Fredericton. There had been no arguments used against the Bill—ridicule and local prejudice were the only weapons of its opposers. The hon. and learned member for York was constantly exclaiming against people not working—and calling out sleepy-hollow; and now when a measure is brought forward to develope the resources of the Province, he is the first man to cry out against it. He was pleased that this debate had occurred—it only went to show the impossibility of doing anything with such men; and whatever the fate of the Bill would be, he would be satisfied with having discharged his duty, beside the satisfaction of having placed *some people* in a false position.

"Mr. Wilmot replied with some warmth. He would take care about the false position spoken of; and he would also take good care who misrepresented him for the future. He was not to blame for the great want of public spirit manifested in Fredericton; he appealed to fifteen years' experience in active public life to show that he was not a 'sleepy hollow' man; he would wear himself out sooner than rust. The hon. gentleman (Mr. Hazen) had said that he would now rest satisfied with having tried to develope the resources of the Province. Well! well! well! such a Government measure as this for the development of the Provincial resources was never before heard of!—a little Bill to explore a line of railway from St. John to Shediac, cut

out by the Colonial Minister, and rehewed by the Emigrant Agent! Really this was developing with a vengeance!

"Hon. Surveyor General said if they wished for money to explore this line of railway, let them take it out of some of the Bridge or Water Company Bonds, or out of the £3,000 lent the City of St. John, to enable them to feed their paupers. He had no objection to their taking £2,000 from this source. However, he would withdraw his opposition."

The Bill was then agreed to without a division, and the blank filled up with £1,000.

The absence of self-local Government and Executive Responsibility was in no way more palpable than in the practice that existed, by which the Colonial Secretary was invited by our rulers, from time to time, to interfere in matters purely local, of which he could have but little, if any, knowledge. On the 7th February a very animated debate occurred, upon the subject of an alteration in the road appropriation system, as proposed by Earl Grey in a recent despatch, which was laid before the House. His Lordship's attention had been invited to the laxity of the system, money being voted without estimate, and the chief remedy proposed was the placing of the initiation of the money grants into the hands of the Government. This surrender the House would not consent to, while the Government were never anxious for it, as the old system gave them power and influence over members. A brief reference to the debate will convey to the reader some of the opinions held at the time. Mr. End would not give up the present system for the best Colonial Minister that ever won a title. Mr. L. A. Wilmot denounced the old system as rotten, unconstitutional, and radically wrong in its every feature. Mr. Brown acknowledged there were some defects, but thought it a difficult thing to improve it, unless they were guided in the matter of proportioning the money by the information of one man—one pair of eyes—whose business it should be to travel all the roads over, and report their real wants. Mr. Jordan defended the old system, because we had better roads than either Nova Scotia, Canada, or the United States. Mr. Hanington *thought it strange that the Government should have thought this matter of such paramount importance, as to make it a subject of remonstrance to the Colonial Office;* and yet here two or three weeks of the Session had expired, without

any measure having emanated from them upon this subject. Mr. Ritchie said hon. members might try to convince themselves of the beauties of the old system, and thus draw the wool over their own eyes; but the fact was, the system was wrong in principle, and rotten both in theory and practice. Why had they better roads here than elsewhere? Because, for every 20s. laid out in Nova Scotia, New Brunswick spent £10. Mr. Steeves said the hon. and learned member had denounced the old system as rotten in principle and practice; yet he had not pointed out one instance where it was so. Mr. S. defended the old system in a lengthy speech. Mr. End, in a satirical way, represented Fredericton as containing all the knowledge, and all the information, and all the morality. He thought this subject was like Mr. Fisher's resolutions last Session—they smelt of initiation. He smelt the rat already; his tail could be seen through the hole. Dr. Thomson thought had Earl Grey referred back to the early history of his own country, he would never have written this despatch. Mr. Boyd reprobated the old system, and expressed his willingness to yield up the initiation of money grants into the hands of the Executive Government, and then make them responsible. Mr. Barberie defended the old system with much energy. Mr. Gilbert took fire at the idea of yielding up the initiation of money grants; and launched forth an invective against it and the new system. He concluded by quoting the memorable words of Nelson, used at the battle of Trafalgar:—

> "Along the line the signal ran,
> England expects that every man
> This day will do his duty."

He therefore hoped they would do their duty, and not yield this boon up to any branch. Mr. Tibbits was in favour of an alteration in the system. Mr. Fisher thought the Committee was only doing by resolution what the Government had not the moral courage to do. Mr. L. A. Wilmot closed the debate.

On motion of Mr. Partelow, the different Select Committees, to take into consideration the contents of the various despatches from the Colonial Minister, were appointed.

A Bill introduced by the Hon. Mr. Hazen, to incorporate the St. John Temperance Temple Company, was committed.

Mr. Carman, in advocating the passing of the Bill, stated that the amount paid for spirituous liquors imported into the Province during the past year, amounted to over *eighty thousand pounds*, while the whole amount of our staple exports, timber and deals, for the same period, amounted to about four hundred thousand pounds, or nearly one fourth the amount of exports.

On the 10th February a despatch in answer to an Address of the House was laid upon the table by His Excellency's command. This despatch was a transcript of that previously laid before the Assembly of Nova Scotia upon the subject of Responsible Government, and the tenure of office, &c. Mr. Fisher gave notice of his intention to move, at an early day, a resolution upon this subject.

"Mr. Barberie moved a resolution, praying that His Excellency would be pleased to cause to be laid before the House, copies of despatches, if any, received from the Colonial Office upon the subject of Responsible Government, and tenure of office, &c. &c. Mr. B. contended that the despatch already laid before the House was only applicable to Nova Scotia, having first been transmitted to Sir John Harvey, and a copy afterwards furnished His Excellency here. This despatch had grown out of the peculiar difficulties and situation of the Sister Colony, difficulties which had never existed here; and he trusted never would. He could not for a moment suppose but that a despatch had been received for this Colony, and his object in moving the resolution was to obtain all the information upon this subject. He wanted to know what his Lordship's views were with regard to this Province, and not Nova Scotia. Who asked for this despatch in this Province? He did not want it; the House did not want it; neither did the people want it.

"Hon. Mr. Hazen had not come down to that House, and stated as he had, that this despatch was applicable to this Colony, without good authority. If the hon. and learned member would examine the despatch, he would find Earl Grey's own words as to its applicability. He trusted the hon. mover of the resolution would consent to withdraw it, as it might tend to embarrass the Government of the Sister Colony; there was nothing to be gained by it, as he was certain the Government had no wish to conceal anything.

"Mr. Boyd was of the same opinion as the hon. and learned member of the Government. The former Address of the House had been answered fully by the despatch before them;

and however galling it might be to the feelings of some hon. members, Responsible Government must come.

"Mr. Brown said there could not be a question but that the despatch was applicable to New Brunswick, except the hon. and learned mover of the resolution could make out that this was not a British Colony, he should oppose it.

"Mr. Hanington expressed the same views as the last speakers precisely. He was happy to think that they had obtained these new principles without any wrangling.

"Mr. Carman spoke in favour of the resolution. He would like to know whether the celebrated despatch from Lord John Russell was still to be in force; or whether any Colonial Minister could sit down and dictate constitutions to the Colonies by the mere scratch of his pen. It was a bitter pill, but he supposed it must be swallowed.

"Mr. L. A. Wilmot thought the despatch was very plain, and did not require an interpreter. His Lordship meant just what he had said, and nothing more nor less; and his hon. and learned friend who had just sat down would find out what it meant, when his hon. colleague (Mr. Fisher) brought forward his resolution upon this subject. There was no new ebullition in this despatch; it was nothing more than the old principles reiterated; and it was only to be wondered at, that the intelligent constituencies of this country had tolerated the old system as long as they had.

"Hon. Mr. Hazen stated that any gentlemen accepting office under this despatch must comply with its terms, and that would be a question entirely resting between such persons and the Government.

"Mr. Ritchie said that this despatch would be hailed with delight throughout the length and breadth of the land. His hon. friend, Mr. Barberie, when this question comes fairly up, would find himself in a very different position from last year —in a minority! Let him therefore go on continuing—as he always had done—to oppose everything like liberal principles, or good Government. (Some difficulty here arose as to the exact state of the question.) Mr. Partelow said he had moved the previous question, and now pressed it; he thought the hon. and learned mover of the resolution would be left in a very small minority this time.

"Mr. Partelow moved that on Tuesday next it be made the order of the day for going into Committee in further consideration of His Excellency's messages."

CHAPTER XX.

Responsible Government Resolutions—The principles, how viewed, as suiting individual interests—Party Government in Canada and Nova Scotia, for the first time—Coalition in Nova Scotia—Unequivocal admission of the new principles by the Conservatives—Constitutional Speeches—The Government divided upon the Revenue Bill—Removal of the Seat of Government—Proper Provincial Building—The Lieutenant Governor unwell in Saint John—The Legislature is transferred to that City, where the Assembly is prorogued—The last Speech delivered by Sir Wm. Colebrooke as Lieutenant Governor—Fresh and vigorous agitation during the recess against the Government—Messrs. L. A. Wilmot and C. Fisher, join the Conservative Government.

On the 24th February, the following resolution was moved by Mr. Fisher :—

"*Resolved*, As the opinion of this Committee, that the House should approve of the principles of Colonial Government contained in the despatch of the Right Hon. Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, of the 31st March, 1847, and of their application to this Province."

Mr. Ritchie said that he had also prepared a resolution upon the subject, which he liked better than that of his hon. and learned friend's from York, which he would read :—

"*Resolved*, That the circumstances of this Province present no obstacle to the immediate adoption of that system of Parliamentary Government which has long prevailed in the Mother Country, and which is a necessary part of Represen-

tative Institutions, on the terms and to the extent set forth in the despatch of Her Majesty's Principal Secretary of State for the Colonies, addressed to His Excellency Sir John Harvey, dated 31st May, 1847, and communicated to this House on the 10th day of February, instant."

Mr. Ritchie did not press his resolution. The discussion therefore turned on the original one, in which every leading member in the House took part. The members of the Government contended that Responsible Government had been in existence in the Province for the last four or five years. What Government, it was asked, during that time had ever denied their responsibility to the Assembly, which, it was maintained, was the very essence of Responsible Government? The opposition disputed this assumption. There could be no responsibility, said they, until the constitution was properly defined, and the machinery brought into working order; and this could not be done while the Government contained within it the cogs and wheels nearly worn out with rust, requiring to be renewed and lubricated, in order that all parts should play one into another harmoniously, without obstruction or giving forth discordant sounds. Both sides of the House agreed alike, that the word *responsibility* had at length found a place in the political vocabulary of the Province. Its applicability alone was the real point at issue, which led to a diversity of opinion. The predilections of the Conservatives rendered it impossible that they could see the meaning of the word in the same light as the Liberals did. The one party considered the responsibility which the Legislature had, from the beginning, over the Government for the time being, was as complete as was essential to our Colonial circumstances. While their opponents found fault that the responsibility was not direct enough. It was requisite, they said, and in accordance with British usage, that as soon as a Government could not command a majority of supporters in the House, they should give way to others—instead of which they now held their places, in spite of an adverse vote, inasmuch as the new system had not been established by a resolution of the House, for the rule of faith, to be observed in all party contests that might arise. The Liberals could not believe in the responsibility which gave a Government the option to retire whenever it suited their own convenience.

If the House expressed a vote of want of confidence in a Government, and they did not think proper to obey it, there was no power in the Province to disturb that Government. The Liberals wanted them to feel the influence of the House, and be controlled by its action, leaving them no option whatever. In short they wanted the constitution reduced to something like mathematical precision, through which all the chances of political advancement might be equal, and well understood by all classes—that there should be some inducement for the youth of the land to cultivate habits of industry, and the natural talents they possessed, so that in their aspirations for political distinction they might have a fair start, and no favour—no hindrances or obstacles to deter them on the road, in the object of their pursuit.

At this juncture (1848) the principles of Responsible Government were upon trial in Canada and Nova Scotia, in which Provinces the advocates had met with a sturdy opposition from the commencement.* It was incompatible with a dependent position for a Colony to govern itself, and at the same time be governed by the Mother Country. There would be constant collisions between the Home and Provincial authorities. This strife would lead to revolution, and revolution to republicanism. Such cries as these in both Provinces met the Reformers at every turn in doing battle for what they called the people's rights. Having succeeded in dispelling much of this prejudice, and obtaining a large influence in the respective Parliaments, the Reformers next made a dash in order to drive their opponents to the wall, and test the question beyond further dispute. Shortly after the arrival of Sir Charles Bagot, as Governor General of Canada, Mr. Hincks in his address to the people of Oxford, said that he held office in the Government upon the tenure of public confidence. At the next meeting of Parliament a vote of no-confidence in the Government was carried in the House, which was the first vote of the kind in a British Province that foreboded the downfall of the old system. It was the application, in its incipient form, of the responsible principle to Canada, and from that time forward it was recognized

* The elections in both Provinces in 1847 resulted in large Liberal majorities.

and acted upon by both parties as a settled question, as far as understood at the time. But there were still difficulties to be overcome ere the whole of the machinery could be made to perform its functions without jarring, or discord. Colonial Governors had to be drilled into a knowledge of their new relationship to their advisers. Accustomed to doing pretty much as they pleased, without particular regard to the advice of their Council, if that advice did not happen to accord with their own views, it was like attempting to deal with a child who had been wayward all its life, for a Ministry to reason with a Governor whose power and authority were felt to be independent of Parliament. The "Royal Instructions" had not been made sufficiently intelligible to them, in a Colonial sense, to save them from the committal of gross political blunders. Sir Charles Metcalf, who succeeded Sir Charles Bagot, was an exemplification of this character, as referred to in a previous chapter.

In Nova Scotia too, the introduction of Party Government was beset with great difficulties. The coalition which was formed, under Lord Sydenham, (Governor General,) when on a visit to that Province, soon split up and resolved itself into its original elements. The Government had been a compromise between the Liberals and the Conservatives; it was the first infusion of the reform ingredient into the Executive Council; but the Conservative power, (led by Mr. Johnson, now Judge Johnson,) being nearly twice as strong as the Liberal, it was discovered after about a year of sickly existence, that the component parts, the oil and water, would not mix, or commingle for the public advantage. An appointment was made to the Legislative Council (that of Mr. Almon) by the Johnson wing of the Government, without even so much as consulting the Liberals, when the latter withdrew from the administration, thus bringing about a crisis which led to the destruction of the coalition. At the next general elections the liberal party were sustained; and from thence may be dated the commencement of Party Government in Nova Scotia.

After this long digression we resume the subject of debate —viz: a consideration of the despatch resolutions, before referred to. The members of the Government, led by Hon.

Mr. Hazen and their supporters in the House, contended that there was no occasion for a resolution affirming the principles of the despatch, for those principles were admitted and would be acted upon, in accordance with the mandate of the Colonial Office. The Government therefore would vote with the opposition for the resolutions; and when the country demanded the Departmental system, they would be prepared to vote for that also. Mr. Ritchie congratulated the Liberals for the success that had at length crowned their long course of agitation—for their success in opening the eyes of their opponents to the real meaning of Responsible Government, after having been censured for years and charged with entertaining revolutionary wishes. Mr. J. A. Street was fully persuaded that Responsible Government must henceforth be in full operation. The last despatch was very clear to him, but the Government, he said, had not acted up to its principles—neither the Attorney, nor Solicitor General, had been called to the Executive Council; and it was requisite that the Departmental principle should be introduced in order to the successful working of the new system. Nova Scotia was in advance of New Brunswick in this respect, for there the Attorney and Solicitor Generals vacated their seats and went back to their constituents on accepting office in the Government. The initiation of the money grants, Mr. Street contended, should be placed in the hands of the Government, as an adjunct of the responsible system. Mr. Woodward spoke strongly in favour of the resolutions. He considered that "initiation" should be surrendered by the House, to prevent the present hap-hazard system of voting away the revenues. The Hon. L. A. Wilmot made a lengthy speech, contrasting the past political history of the Province with its existing condition and constitution.*

Mr. Fisher's resolution was sustained—24 to 11—after a debate which occupied several days, the lobbies and galleries being very much crowded all the time, by anxious and interested listeners.

This, then, was the first unequivocal admission by both

* This speech was delivered on the 24th February, 1848, and was reported in the newspapers of the day; the young political student will therefore know where to find a large amount of valuable information upon the subject of Responsible Government, as contained in this debate.

parties that Responsible Government had obtained a foothold in New Brunswick. The great battles, however, were fought for us by Canada and Nova Scotia. The collisions in those Provinces between Representatives and Executive Councillors and Governors, were formidable, and sometimes all but *rebellious*. The Colonial Office was continually besieged by delegations from both parties—for and against Responsible Government. In this Province our politicians gazed upon the battle from afar, and beheld the alternate rising or waning fortunes of the combatants with the enthusiasm of interested spectators, as we certainly were; for we knew that the sister Provinces could not conquer a new system of Government without New Brunswick benefiting by the change. The discussions from time to time in our Legislature, if they did not, as in the other Provinces, create that acerbity of feeling in and out of the House, between friends and neighbours, though rival politicians, they tended to keep the embers of party alive, and the subject of Responsible Government before the eyes of the country. Quarrelling and bad blood were unknown. General principles were dealt with in an amicable spirit. The newspapers did not abuse one another —there was certainly none of that acrimonious spirit that manifested itself at a subsequent period, on occasions when the issue perhaps was not a bit more important. But be this as it may, Responsible Government was carried *for* New Brunswick, not altogether by New Brunswick politicians. To the statesmen of Nova Scotia and Canada are we largely indebted for the Government we enjoyed up to a *comparatively recent date*.

But if Nova Scotia took the lead of us in this matter, New Brunswick shot ahead of her sister Province in making application of a very vital element in the new constitution. The "initiation of the money grants" was not given up to the Executive Council of Nova Scotia until long after the concession had been made by the House of Assembly in this Province. In 1848, and prior thereto, the system of voting away the public moneys (as before frequently referred to) was most objectionable. It was both extravagant and corrupt. It was contended by the Reformers, that if we were going to have a paid Government, (supposing the heads of

Departments to occupy seats in the Council,) they should be under the necessity of developing the resources of the country, and this could not be done without having full control of the moneys. The duty should devolve upon the Government to prepare a Revenue Bill. Under existing circumstances (it was contended) there was no responsibility in cases of extravagance, or misapplication of the revenues. The Government could not be made accountable while the House held the purse strings and scattered the money right and left. Every member legislated, in a special manner, for his own County, when in Supply. All worked in the dark. One section log-rolled, as it was called, against another. The most *useful* member to a constituency was he who could obtain the largest haul out of the public chest. Financial intrigue went farther with them than constitutional ability. The introduction of a Revenue Bill was always a signal of battle between the Free Traders and Protectionists, these being the two great parties that kept the House in a state of fever on such occasions. Each disputed vehemently on account of his own theory. The Protectionist could see nothing to save the country except high duties upon boots, hats, chairs, and other manufactures; while the Free Trader contended that the country would be ruined unless everything manufactured or unmanufactured, came in duty free. Between the two factions a sort of patch work Revenue Bill was generally framed, neither free trade nor protection in its applicability, but a compromise between the lobbyists in the House and their Representatives in the Hall.

The Government for the time, as already remarked, were not responsible for this irregular state of things. The House would not part with their privileges—it was the people's rights, they said, to handle and control their own money—for the best system in the world. The right to initiate alone, they contended, belonged exclusively to them. It gave them power in the House and influence among their constituents. Why then should they wish to alter a system that came down to the people like other blessings under Magna Charta—a system that proclaimed their independence and their right to spend their own money as they pleased—one which, in the estimation of the road maker and the bridge builder, could not possibly be improved.

The Government, too, did not always move in a body—the Council was divided among free traders and protectionists—when the Revenue Bill was under discussion. Individual members of the Government, like others, voted in accordance with their own predilections. The great surprise is, that with all this laxity, a Revenue Bill could be framed at all that would quadrate with the income and expenditure of the year. If there was a mistake, however, it was seldom on the side of a deficient revenue; and it always turned out that if a high tariff brought into the Treasury more revenue than the absolute wants of the country required, the House was never very much embarrassed to know how to dispose of the surplus.

At the present day the whole of this abominable system is changed; and it will be seen as we proceed, when and in what way, the change was brought about.

On the 18th March, a resolution was offered by Mr. W. J. Ritchie, for the removal of the seat of Government from Fredericton to St. John, which gave rise to a warm discussion. The York members fought valiantly for the seat as it stood. On the 20th the House divided 26 against and 8 for—the removal. This subject has for years been a bone of contention between hon. members; and the consequence is that private property remains unsettled, and of no fixed value, while the public buildings have always presented a rubbishy appearance—always looking like a temporary arrangement—very cramped and inconvenient for carrying on the business of the country. It would have been far better for the interests of the people of York and of the Province at large to have finally settled this question forty years ago. There can be but one argument for or against the removal, which might have been applied and enforced at any time within the last forty years; and it is a misfortune that decisive action has not been taken before this; for if it had been resolved finally to continue the seat of Government where it is, arrangements could have been made for the erection of a Parliamentary building and public offices, that would have been compatible with the dignity and wealth of the Province. But until the members of the House come to the conclusion to borrow money and put up a proper building, the seat of Government

question is liable to be re-opened at any time. Better far to remove the seat of Government at once than keep the matter in doubt, and consequently never have a proper building to assemble in. But the writer presumes that the question is settled, by the opening of the Western Railroad, which practically places Fredericton within three hours of the seaboard. Let New Brunswick soon rejoice in at least one public building worthy of the ornamental architecture of the age.

In his reply to Mr. Ritchie, Mr. L. A. Wilmot remarked that the removal could not possibly take place at a less cost than £70,000.

In consequence of the Lieutenant Governor having been taken unwell, while on a visit to St. John, both branches of the Legislature were summoned to that City on Thursday the 30th March, and assembled in the Court House, the Council in the Court Room up stairs, and the Assembly in the Common Council Chamber. At five o'clock, His Excellency, having called both branches together, delivered the closing Speech of the Session, and the last of the kind ever made by him in this Province. In a few weeks afterwards he was succeeded by Sir Edmund Head. Sir William Colebrooke and his lady (the latter since dead) were, for their private qualities, highly esteemed by the people of New Brunswick. Sir William was the first Governor who suggested important constitutional changes—was ever anxious to have some responsibility fixed upon the acts of his advisers, and thus enlarge the area of action among legislators and people. Local Government, by means of Municipal Corporations, found in him a hearty supporter. The initiation of the money grants in the hands of the Government was strongly advised, as a safeguard to the people, more than once in his speeches. He had the prudence to keep himself beyond the reach of misunderstanding with persons or party. The difficulty that arose between his advisers on account of the appointment of his son-in-law to office, was incidental altogether to the system which gave him rights that were considered to be indisputable, and not from any disposition on his part to usurp power, or thwart the wishes of those who stood out against him.

After the prorogation (which took place in the month of

May) agitation was renewed and continued, for the reconstruction of the Government, which was absolutely required for the working out of the new principles. Rumour gave to the Liberals prominent places in the Cabinet that was to be. Up to this time we only had Responsible Government in theory. It was then some months old—or, since the Conservatives admitted the full force and effect of Earl Grey's despatch. The Liberals, however, mistrusted the sincerity of the Government—they could not believe that their old opponents would warm into life and activity a child in which they had never discovered a single virtue. At all events, they failed to give the bantling room to play. For example, the Attorney General (Peters) had been dead several months, and his office was still kept vacant. The same Provincial Secretary held power, notwithstanding Earl Grey's despatch had rendered his office political, and it was therefore incumbent upon the Secretary to obtain a constituency. (Hon. Mr. Saunders then held the office.) Indeed there was nothing to indicate on the part of the party in power an honest conversion to Responsible Government. The same men held office—the same rule of conduct prevailed—nothing, in short, seemed to be changed but the sentiment, a mere word which stood for "yes," because it was more convenient for the time than to say "no." The Liberals now became clamorous for the *performance*, as well as the *promise*, of the new order of things. They thought, as they now had something to do with the knife for cutting the political loaf, they should likewise have half the loaf itself. Accordingly they demanded a reconstruction of the Government—one half the seats to be Liberal and the other half Conservative. What reasonable objection could there be to an equal division of power in a Government where all were supposed to be influenced and controlled by one set of political principles. Messrs. L. A. Wilmot, Fisher, and other prominent Liberals, made this the issue, and took firm ground upon it. At best a coalition (said their friends) was bad enough. It had sadly failed in Nova Scotia —(in the Howe, M'Nab, Uniacke, and Johnson Government.) But still they were willing to overlook the failure across the borders, and test the experiment in New Brunswick; but certainly not without an equal division of the seats

—for as a victory had been gained over their old opponents it would never do to allow the vanquished to carry off the larger share of the prizes. The old Adam, it was believed, was still alive in the breasts of the dominant party; and unless they were checkmated in the Government by an equal influence, the controlling power would preponderate on the side of their friends. True, the Liberals as a party, were in a minority in the Legislature; but they were fast gathering strength in the country. The people now had something before them in a bodily shape to take hold and discuss. A liberal concession had been made by the Colonial Office; and it was believed that there was in reality some solid ground to stand upon; and it was only a question when the time should arrive for the new system to be put into complete working order. At the utmost it was believed that the Government could not hold out more than a year or two longer in its unsettled and undefined position. It must either give the Liberals what they asked—half the seats—or the Conservatives must lose all that they held themselves. The political strength of the country was rapidly accumulating; and, like an avalanche, after being undermined and disturbed in its bed, would ere long sweep down and carry all that stood in its way.

At an unfortunate moment, just as the Liberals were in good heart, and felt encouraged as to the future, Mr. L. A. Wilmot and Mr. Fisher, after many rumours published from day to day—all inimical to the belief of their friends—joined the Conservative Government—went in as they said to assist in working out the great principles which had been the political study of their lives. The first announcement of this fact in an official form was made in the Gazette of May 24th. The Liberals out of Parliament felt as if their right hands had been suddenly paralyzed. All hope of a radical change, with the loss of two of the ablest standard bearers of the party, now vanished. It was almost worse than useless to contend longer for equal political justice, when the leading champions of the party had joined the standard of the enemy—not, it is true, as deceivers, and with a view of working into the hands of the Conservatives. Their friends could not think this of those who had never given them

cause to suspect treachery. On the contrary, they believed them to be still as patriotic and embued with the same genuine feelings as ever. Honest in their intentions but mistaken in their policy. It was not so the year before when Mr. Wilmot was determined upon having a fair number of his liberal friends in the Government. We have seen that in 1847, a conference took place between him and one of the members of the Council in order if possible to reconcile differences and reconstruct the Government. We have also seen that at that conference Mr. Wilmot demanded the privilege of taking in with him a certain number of Liberals (it was supposed at the time to be half.) He was requested to name his friends. This he refused to do, until his claim was first recognized; this was not agreed to, and so the negotiations broke off. No one doubted but that both Mr. Wilmot and Mr. Fisher could have gone into the Government in 1847; but at that time they demanded more than two seats. They gained nothing then by waiting a whole year. The office of Attorney General in the mean time having become vacant Mr. Wilmot accepted it, and Mr. Fisher went into the Government without office. This was the great political mistake of their lives. Mr. Partelow was made Provincial Secretary, Hon. Mr. Kinnear, Solicitor General. Neither of the two former gentlemen felt it incumbent upon him to go back to his constituents for re-election. They considered the Responsible Government fruit hardly ripe enough for plucking in that way. The friends of Mr. Wilmot, although they thought a great deal of his talents, considered that Mr. Partelow was the more wily and clever politician of the two—that the chances of the former, in the pursuit of an object with his colleagues in the Government, were not to be compared with those of the latter. It required at least two good Liberals to checkmate a man like the Provincial Secretary, who knew better than any other person in the Legislature, how to manipulate hon. members and mould them to his purposes. But the naked fact stood out, that in a Government of seven members, the Liberals were only allowed two seats—so that the reconstruction was regarded as a mere shuffle of the cards, with the fingers of the dealer placed in certain parts of the pack, in order that particular

coat cards should turn up in the places most desired. True some of the Liberal papers at the time aimed to convince themselves that others of the gentlemen who joined, or were in the Government, were well known for their liberal antecedents and tendencies; and therefore the Liberals had four seats instead of two. But those papers were required, and failed, to show that the quasi-Liberal gentlemen referred to were adherents of the school of politics to which the advocates of Responsible Government belonged—those who had assisted Messrs. Wilmot, Fisher, and others, to fight the battles of reform amidst the most opprobrious epithets. Evidence of genuine sincerity was wanting; and every staunch Liberal in the country pronounced the coalition movement, under such disadvantageous terms, as worse than a blunder, which would ultimately result in disaster and a break-up of the Government at an early date. One of the writers of the day, over the signature of "A Constituent," thus remarked upon this unnatural alliance:—

"But however much the anti-reformers desire credit for their tact and management, by which they have secured to themselves for a few years more the patronage of the Government—the advocates of responsibility should not have lent themselves to assist them; thereby destroying their party, and making the responsibility of the Executive Government to the present House of Assembly a mere form. The only remedy for the evil is a dissolution, and appeal to the constituency at the earliest possible day. How Mr. Wilmot and Mr. Fisher could have accepted office (particularly the former who receives emoluments with it) without carrying out their principles, and appealing to their constituencies, I am at a loss to conceive, and cannot reconcile their actions with their principles. But Mr. Partelow is perfectly consistent; he only acknowledges responsibility so far as may be necessary to carry on *his own* politics, and he is more than a match for both Wilmot and Fisher at intrigue any day, though the latter is pretty clever. Since the accession of Liberals to the Council, we do not perceive any change in the patronage of filling any office, all going on the way we should expect if the exclusives alone were the dispensers, thereby proving that the addition have no power, or if they have they are exercising it for the benefit of their opponents. In my opinion, Responsible Government in this Province is only a nominal, not a real responsibility, at this time, and one which will no more satisfy the wishes and

interests of the people than the most ultra Tory Administration the country has ever had."

Shortly after joining the Government, Mr. Fisher's constituents, residing in the Parish of Southampton, presented him with an address approving of his course, to which the hon. gentleman replied in an article which occupied four and a half columns of a Fredericton newspaper, in vindication of his conduct, and in explanation of the policy by which he and his colleague (Mr. Wilmot) expected to be influenced in the new Government. Mr. Fisher said—

"In accepting office, I have compromised no principle; I have neither changed nor surrendered any opinion which I have hitherto advocated in Trade or Politics in general."

Again he observes—

"Whatever may be the present disadvantages of a Coalition, I think that any other course than that which I have adopted, would have been an injury not only to my principles, but also to my political friends; as it would present us as a body of impracticable men, not content unless we could have every thing our own way."

But, as it was anticipated on all sides, both by friends and opponents of the Government, the Coalition (if such it could properly be called—five of one party and only two of another) did not work harmoniously after the few weeks of its honeymoon had passed by. The iron and clay could not cement. The patronage still continued to be dispensed in the Conservative interest. A Liberal stood no better chance now than he did before of getting into office whenever a vacancy occurred. The Conservatives still had the field to themselves, and appointed their own men—while the Liberals out of doors, who had fought the battles of the party, were passed over as in the olden time, thus proving that the Liberal element in the Government was without influence. There were several vacancies in the Legislative Council. A contention arose between the two sections of the Government, as to who should have the situations. Rumours spread thick and fast that the Liberals wished to have Dr. Hartt, of Fredericton, Mr. Charles Connell, of Woodstock, and Mr. Hill, of Saint Stephen; while the Conservatives resolved upon translating the Hon. R. L. Hazen from the lower to the upper branch of the Legislature, and leave

Messrs. Wilmot and Fisher to fight the battles of the Government in the Assembly—that is, two of the champions of Liberalism, who had waged an incessant and uncompromising warfare against a system of government, of which the main supports still existed in power, were now to be placed in the anomalous position of acting as the defenders of their old opponents. The principal coalition Journal, which could discern no harm in the one sided amalgamation, when it was concocted a few months before this, now began to see for the first time, not only the impolicy but the impracticability of the whole movement, and thus expatiated upon the *weakness* of his Liberal friends in the Government:—

"When we said that we would narrowly watch the conduct of our Liberal friends, we said truly; and we now tell them plainly, that *so far as their course in power has run, they have not acted with the energy or devotion to their own principles which we expected.* Except in the case of the Hon. Attorney General, whose place was given by the old Council, the Liberals *have yet got nothing save promises*, which can only be honored in the observances; and we protest against the proud wave of Constitutional Reform being stayed so far short of its destination."

This was some confirmation that the friends of the gentlemen who had joined the Government, were correct in their belief that the two had made a mistake.

(1849.)

CHAPTER XXI.

Important suggestions in the Governor's Speech—Railways—The Speech accepted by the country as indicative of better things—The principles of government still without practical definition—Despatch of the Colonial Secretary upon the tenure of office—Members of Government unwilling to go back to their Constituents for re-election—A discouraging Despatch respecting the Inter-Colonial Railway—Vacant Seats in the Legislative Council—Hon. Mr. Hazen leaves the House and joins the Council—The Constituency of Saint John called upon to fill up the vacancy—Candidates who offer—The Constituency split up into Parties—The result of the Election shows the people to be still indifferent to Responsible Government.

The Legislative Session of 1849 was opened on the 31st January, by Sir Edmund Head, who, since the previous Session, had succeeded Sir Wm. Colebrooke. In his speech His Excellency suggested a number of important questions for the consideration of Parliament—such as Emigration, an improved system of disposing of the Crown Lands, the Halifax and Quebec Railway, (Messrs. Henderson & Robinson having just completed their survey at the instance of the Imperial Government, and a report of which would shortly be submitted,) the Saint John and Shediac Railway, intimation as to an improved system of voting away the public moneys, &c.

The Saint John and Shediac Railway has since been built, but the Halifax and Quebec line is still in abeyance, even

among the uncertainties of the future, although eighteen long years have rolled away since the Lieutenant Governor thought it of such immense importance, as to express himself in the following language:—"I believe the destiny of "these Provinces is, under Providence, involved in this "question, more than in any other which I can name."

At the conclusion of His Excellency's opening speech, he remarked—"the members of my Government will be ready "to lead the way [in bringing forward some of the measures "previously suggested,] and I as Her Majesty's Represen- "tative shall at all times be happy to co-operate with you in "such measures."

This remark augured well for the advancement of Responsible Government; for without measures upon which to try the Government there could be no available responsibility. The complaint against the old system was that it did not require or compel obedience to this principle. As a Government they were held together by a knot that no Assembly could cut. Even if the House passed a vote of want of confidence in them (as was frequently done in Nova Scotia in Sir Colin Campbell's time) it would have but little practical effect; for they were not obliged to yield, and certainly they would not evince patriotism enough to displace themselves for the mere gratification, as they might suppose it, of the mistaken views of their antagonists. There was but one way of getting at the Government, and that was by travelling a distance of 3000 miles, and knocking at the door of the Colonial Office. But even in this case the defendant always managed to get there as soon as the plaintiff, with the advantage on his side that he was better acquainted with the Minister, and consequently was able to circumvent his adversary, or prevent him getting redress. As a Government, had they introduced measures, and been defeated, their offices were still safe. They had in such event merely to fall back, if so disposed, and take up new ground for a fresh start, or remain dormant during the remainder of the hybernating season—in perpetuity for that matter. Under such circumstances, running no risks, without any possibility of losing any thing, the opportunity of doing good and promoting the general interests of the

country, if so disposed, was, on the part of a patriotic Government, most favourable.

But now a new day was dawning. The fiat of the Colonial Minister had gone forth, that the tenure of office should in future depend upon certain conditions, and that the members of the Council must henceforth hold themselves responsible (not to the Colonial Office any longer, but) to the people of the Colony for their proper administration of the Government. The concession too, had been met in an obedient, if not a willing spirit, by those who had always stoutly resisted the innovation upon what were considered to be "vested rights," claims founded upon ancient and indisputable possession, under the sanction of Royalty. Still there was much to be done, ere the new principles could be considered as established. Responsible Government was but in its nascent state, the first stage of its existence, incapable yet of bearing fruit, and would continue so until much of the dead wood which interfered with its growth had been pruned away, and new shoots allowed to grow. Exception, as already observed, was taken to the coalition, which was considered to be the first retrograde movement in the onward march; the ablest advocates of liberalism in the House were neutralized, so that the new principles in their purity could not be sustained. But when the Governor's Speech foreshadowed that His Excellency's advisers intended to lead the way in submitting measures to the House, every body in opposition to the coalition began to count himself a false prophet, and to believe that the influence of the Liberals in the Council was, after all, effective. "The evidence of things unseen" would now soon manifest itself, it was thought, in "the substance of things hoped for." The announcement, at all events, gave some evidence that Responsible Government really meant something, and that the Council intended to do what was never attempted before—risk their offices to serve the public—and let the country see that the Conservatives in the Government were going to be as *progressive* as their Liberal colleagues. The Liberals out of the Government, in accepting this as an earnest of a new awakening to duty, felt at the same time that it was incumbent that they should themselves keep awake and watch, and if needs be, call aloud, should the promise just made, turn out to be illusive.

The whole country was now fairly aroused. Business was dull—matter inert and mind active. It was our periodical season of commercial depression, (occasioned by the staples of the country being "flat" and "unprofitable" in the English market,) and the only hope and consolation people seemed to have was in the Government introducing measures for developing the resources of the country, and giving them something to do. The Governor's Speech, therefore, contained promises of encouragement, and for the time allayed the spirit of party. Messrs. Wilmot and Fisher had now an opportunity, it was said, to distinguish themselves—to prove by their actions that Responsible Government meant more than mere words. It was thought by many to be the Alchymist's stone that would transmute every thing it touched into something precious.

The second week of the Session, however, passed away, but no measures. The opposition in the House, now led by Mr. Ritchie, kept up an incessant fusilade, on account of the apathy of the Government in not backing up their professions. There was one measure which every body expected the Government would introduce—the St. John and Shediac Railway. Day after day Mr. Ritchie called upon the Government to move in this matter. At length wearied with waiting, he asked leave to introduce a Bill himself, which, permission being granted, he did on the 12th February; and on the 17th it was committed for discussion.

The calculation on all hands was, that the cost of this road would not exceed £500,000.* Public meetings were held in St. John, and these figures were generally admitted, as based upon unerring data. This road, too, was going to be the means of providing business in every shape for the industry of the country. The depopulation of St. John, going on so rapidly, would be stopped, the moment it was known that this work was to proceed. All eyes were now turned towards Fredericton as the "Tadmor in the desert," the Eldorado of our hopes; and to Mr. Ritchie as "the coming man" who was to lead us out of darkness into business life. (This subject will be again taken up at its proper time, and in the order of debate.)

* This road has since been built, and cost £1,200,000.

On the 6th February, the Hon. Provincial Secretary, by command of the Lieutenant Governor, laid before the House sundry despatches from the Colonial Office—one relating to Post Office affairs, (based upon the previous joint action of the respective Legislatures, through their delegates to Canada, for a uniform system of postage between the Colonies and England,)—one relating to the expenditure of the public revenues and the mode of imposing duties for raising the same. This despatch grew out of the action of the House during the previous Session in preparing a Revenue Bill, and also the opinion of the Law Officers of the Crown, as to the meaning of Lord John Russel's despatch upon differential duties. In the present despatch Earl Grey expressed his surprise at the course pursued by the Assembly in framing a Revenue Bill, and he informed them that instructions had been conveyed to the Lieutenant Governor to withhold his assent to any Revenue Bill in future wherein differential duties were provided. Also a despatch on the subject of the Navigation Laws was submitted, the Imperial Parliament having repealed these laws, and this was an intimation to the Province. From that time to this Foreign Nations have had the right to our coasting trade and to register their vessels in our ports. But England did not demand of foreign powers, as a *sine qua non*, that these privileges should be conceded to Colonial shipping.

The despatch of Earl Grey (dated 17th November) was laid before the Assembly, transmitting the final Report of Major Robinson, (on the Northern Railway route,) addressed to the Inspector General of Fortifications. (This survey was made at the instance of the English Government, the expense of which was afterwards defrayed by Canada, Nova Scotia, and New Brunswick, amounting to £12,000.) The Earl speaks rather discouragingly of this project. While he appreciates its importance, he does not feel encouraged to hope that as a commercial speculation the road can pay; whatever may be its advantages in opening up the country, and for military and Imperial purposes, the cost of the undertaking, and how this cost is to be met, present difficulties he sees no direct way of overcoming. In fact, the whole despatch is strictly diplomatic, generally speaking; non-committal to a painful extent to those who had calculated, and set their minds and

hearts upon the project. It promised nothing to encourage the hope that it would ever be built, much less the English Government doing any thing for it.

On the 16th February Mr. Ritchie called upon the Attorney General (Mr. L. A. Wilmot) to know what steps had been taken for filling up the vacant seats in the Legislative Council. On a previous occasion he had asked this question, and by the answer he received the inference was that the Government had already made appointments and forwarded them to England for the Queen's sanction. (This procedure was considered to be irregular by the opposition. It was contended that the appointments should have been made *provisionally*, and gazetted accordingly.) The Attorney General answered that he was in hopes of being able to give the information asked the next day, as the Government were about to meet, now that the English mail had arrived.

The names of the new Legislative Councillors were gazetted on the 21st—viz: Hon. Robert L. Hazen, of St. John; Geo. S. Hill, of St. Stephen; Charles F. Allison, Sackville; Charles Harrison, Maugerville; James Davidson, Alnwick, (Northumberland.) The country of course was not taken by surprise on hearing officially of the elevation of Hon. Mr. Hazen, as rumour for some time had been busy with his name in this connection. But now that there was no longer any doubt, the opposition complained that a vacancy should have been created in the representation of the City of St. John at such a season, especially as there were important City measures pending before the House that would require, for their passage, all the influence and ability of a representative of Mr. Hazen's influence. Mr. Ritchie said, that from the day he had the honor of a seat in that House, up to the present time, he could bear testimony to the ability, zeal and attention with which that hon. member (Mr. Hazen) had at all times attended to the business of his constituents. They had generally differed in political matters, yet his opposition had ever been manly and straightforward; and he could truly say that the City of St. John had lost the services of a gentleman, whose place they would find it difficult to fill. The honorable member continued at some length to denounce the conduct of the Government in leaving these appointments to

the eleventh hour. Had Mr. Hazen been an ambitious man —more fond of fame than leisure, he might to day be the Chief Justice of New Brunswick. He stood forth, single handed, as the champion of the old cause, on the floors of the House, for several Sessions, against the foremost men of the Liberal party, then considered to be the ablest debaters in the House. He did not only hold his own and keep his party intact, but he often warded off with vigour some of the heavy bolts that were from time to time launched against him. In a word, had it not been for him, the Conservative party would have gone to the wall a year or two sooner than it did. With the strong party at his back, Mr. Hazen might have stepped into the office accepted by Mr. Wilmot, on the death of Attorney General Peters, and in the order of succession, gone upon the Bench on the death of Chief Justice Chipman. His conduct certainly evinced a spirit of self-abnegation, rarely if ever met with in an influential politician. On resigning his seat in the House and going to the Council, Mr. Hazen forfeited a valuable opportunity of further advancing himself in his profession. In those days the Council Chamber was considered to be the refuge of decayed politicians—those who had worn themselves out as representatives, and desired to take their ease in a branch of the Legislature, to which the sharp practice and stormy discussions of the lower House were unknown. The influence of a politician with the people went for very little up stairs, consequently a Government did not look to this branch for strength when put upon their trial. The Attorney Generalship, and indeed all other offices, were thenceforward to be dependent upon the House of Assembly. Hence, Mr. Hazen having thrown up his seat in the House while the form of Government was in a transition state—when the Responsible principle was about to favour the men who could exercise the greatest political influence—he cut from under himself the last and the best step upon which he was mounting to the highest office in the Province; his foot was upon the threshold when he fell backward into a chamber, where his arms were to be tied and his talents frustrated, or to be of very little account.

The seat just vacated required to be immediately filled, as

the Legislature was still in Session. The Speaker's Writ was accordingly issued. It was a time of great political and religious excitement, there being no less than six parties at work in the Province—viz: the Responsible and anti-Responsible —the Protectionist and Free Trader—the Orange and the Catholic. And every party was pulling in diverse directions. True, there was no organized Catholic party, but there was an organized Orange party in the Province, the ostensible object of which was to thwart the alleged aspirations of the Catholics; and these latter in turn felt it incumbent upon them to meet their opponents, in their own way, with all the power they could bring into the field. True, too, the occasion was not favourable to a full development of strength by the respective disputants. This was to be a single combat—such as seldom awakens particular interest among the great body of the electors. Mr. B. Ansley was brought out on the Wilmot-protection platform. He was nominated by L. H. Deveber, Esq., seconded by S. L. Tilley, Esq. A requisition, most respectably signed by over one hundred of the Responsible Government party, was presented to Dr. Livingstone, urging him to take the field. Being one of the originators of the system, and one of its ablest, most inflexible and consistent advocates throughout, also a thorough Reformer at heart in all other respects, the Doctor was generally pronounced to be the man for the times. He accordingly became the Reform candidate, and in opposition to the coalition Government. Dr. Livingstone was nominated by James White, Esq, seconded by Edward Allison, Esq. Mr. Charles Watters* (then young and unknown as a politician) was the third candidate, and thought at the time to be a nominee of the Catholics; but whether so or not, a strong Protestant feeling was excited, as if such were the belief. The consequence was, the contest hinged upon "Catholic or Protestant ascendancy." The friends of Mr. Ansley and of Mr. Watters rushed to the polls to *save their religion!* With them Responsible Government was a secondary matter—a thing that would keep for another occasion. The lukewarm on both sides thought something of the new system; but would rather see the political welfare of the country swamped, in order that the

* Nominated by John W. Cudlip, Esq., seconded by Wm. Hughson, Esq.

Church Militant might prove to be the Church *Triumphant* at the polls. Happily, this spirit of religious fanaticism has long since ceased to exist in our Province. Very little, if any thing, is heard now-a-days of religious combinations for political purposes.

Mr. Ansley was elected, and Responsible Government received an unfortunate stab in the defeat of Dr. Livingstone. Had the latter succeeded, it would have been an implied declaration on the part of the "most enlightened constituency in the Province," that the Government as then constituted was not being carried on "in accordance with the well understood wishes of the people as expressed" by themselves at the polls. As it was, the Government accepted the result as a direct vote of confidence in them; and no one was better satisfied with it than the Provincial Secretary, (Hon. Mr. Partelow,) notwithstanding the many side issues that had been raised and which contributed towards the blinking of the main question, or rather that which should have been the main question.

CHAPTER XXII.

Reciprocity of Trade with the Provinces — Financial Statement — Differential Duties prohibited by the English Government — Free Trade vs. *Protection — Agitation for Reciprocity of Trade with the United States — Office of Clerk of the Pleas — Salaries of the Judges — Retrospective — Salaries borne upon the Civil List — Members vacating Seats on accepting office.*

On the 20th February, Mr. Wark, in his place in the House, asked the members of the Government whether any, and what steps had been taken, towards securing a reciprocity of trade between the different Colonies. The Attorney General answered that negotiations had been held with the neighbouring Colonies, but he regretted to add that *they had not received that response from the Government of Canada, as might naturally have been expected!* He said that hon. members would see the difficulty. Canada feared that New Brunswick and Nova Scotia, situate on the borders of the Atlantic, would have greater facilities for importing the raw material to manufacture for themselves, and thus competition between the respective Colonies would not be on a fair footing.

On the same day the Provincial Secretary made his Financial Statement. He said he feared they would require for the current year's operations, a revenue of *one hundred thousand pounds!* Differential duties, he said, had been disallowed by the Imperial Government, consequently a uniform duty should form the basis of their present Revenue Bill. He would therefore propose that ten per cent. should be levied on all articles alike, and an ad-valorem duty additional

on such as spirits, sugar, molasses, tobacco, &c. These duties, he said, with the £9,000 from the Casual and Territorial Revenue Fund, with some other resources he had mentioned, would produce the £100,000. The hon. gentleman next remarked that the indebtedness of the Province amounted to £107,000. The cash credit of the Bank of New Brunswick of £30,000, would expire the following year; but the Government had ascertained that the Bank would continue the arrangement for five years longer. He thought upon the whole there was nothing so very alarming in the state of the Province—that the public credit could be sustained without any difficulty; and should they require to raise a large amount of money for the purpose of carrying on any great undertaking, the credit of the Province was amply sufficient.

The Secretary's plan of placing a duty of 10 per cent. upon all articles alike, met with a strong opposition in the House. It pleased nobody—neither the Protectionist, nor the Free Trader—in or out of the Legislature. The Protectionist could not see how grist could be brought to his mill, if the manufactured article were received upon the same footing. The tanner, the boot-maker, the foundry-man, the tallow-chandler and soap-boiler, could discern nothing in this ten per cent. but breakers ahead, upon which each of them would be sure to be shipwrecked in his business. Nor was the Free Trader a bit more docile or compliant with the new proposition. He could not understand why the common necessaries of life should be treated in the same harsh manner at the Customs as the luxuries. There should be discrimination between the state of the poor man and that of the rich. If a revenue had to be raised, the interests of the manufacturer ought to be studied. The Free Trader might have the benefit of articles that could not be made at home —such as tea, coffee, molasses, sugar, &c. These were the kind of objections that were raised in the course of the very long debate that followed, occupying several days. A petition numerously signed in St. John was sent to the House, requesting members not to pass the Bill. It set forth, among other things, that "if said Bill became a law, it would be the means of driving away all our Nova Scotia customers, and thereby interfere very materially with the anticipated revenues."

Mr. Partelow's tariff was so completely altered by the time it became law, that if the Free Traders did not get all that each of them contended for, they got enough to satisfy them that they had saved the country from a most menacing disaster!

This was the first year of the Reciprocity (with the United States) agitation, and it was carried on with much earnestness in St. John. Canada and Nova Scotia, through their Legislatures, had already taken action in the matter; and in February, the merchants of St. John transmitted a petition to the Lieutenant Governor, requesting him to send a delegation to Washington, to urge that New Brunswick should be included in the Bill before Congress, for a Reciprocity of Trade between the United States and Canada. His Excellency replied that he had not the power so to act; but that he would transmit the petition to England for the consideration of Her Majesty's Government. In due time a despatch was received from Earl Grey, Colonial Secretary, highly approving of the spirited action of the merchants of St. John; and said that he had sent out instructions to the British Minister at Washington, authorizing him to use his influence in order to have New Brunswick incorporated into the Bill before the Senate of the United States. This subject will come up again in its proper place.

On the 26th February, a lively debate took place on the reduction of the salaries of public officials. Mr. End moved that the Bill relating to the salary of the Clerk of the Pleas, be committed. This gentleman (Colonel Shore) was in receipt of £900 a year—viz: £500 salary, and £400 in commutation of the fees which he had been receiving up to the time of adjusting the matter, a few years back. The present Bill was to be prospective in its operation—viz: to fix the salary of the future incumbent at a greatly reduced rate. The Attorney General, on the 8th, had introduced a Bill for the reduction of the Judiciary Salaries in this Province. The Bill now before the House was regarded as a cheese-paring measure, as a mere instalment of the great work of retrenchment that had been promised by the Government; and it was urged that this single official should not be dealt with separately, or until the House were invited to discuss the whole subject

together. Mr. Ritchie was particularly severe upon the Attorney General for holding back when he was in a position for fulfilling his promises, and acting as became an honest Reformer. The Attorney General retorted. He said "he had advocated a reduction of salaries ever since he had first taken a seat in that House; his opinions had not yet changed, and he was glad to see those who had formerly opposed this doctrine now coming over, and enlisting under his banner He would never talk of vested rights in these matters; he could go into the world and earn a living with any of them, and if they thought his salary too high for the country to bear, (it amounted, he believed, to about three farthings each for the population of the Province,) let them cut it down; as he had stated before, it was a mere matter of bargain, he was not obliged to keep the office at a reduced salary. When he took the office of Attorney General he had disclaimed receiving the surplus over £600, amounting to some £50 or £60 a year; he was of opinion that the people of this country did not object to paying the working officers; it was another class they wished to see reduced. If, however, they wished to reduce his salary, and thought £250 sufficient, let the matter be brought forward, and he would not sit there and vote against it, but would retire; they could act their own pleasure about this, and he would pursue the same course about accepting the office afterwards. If the exigencies of the country demanded the reduction of his or any other salary, he would not oppose it. He would inform hon. members that the Government could not, according to the nature of the instructions under which they acted, bring forward any measure interfering with the salary of the present incumbents; he would, however, give the Committee his opinion as to how far such a measure would be successful. It had been the settled policy of the Home Government for the last two hundred years never to interfere with the salaries of the incumbents of an office for the time being. He was at present a member of the Government, yet he felt himself unchanged with regard to high salaries. He had witnessed from his youth up the evil effects of them in this community, when those in more humble life attempted to imitate the habits and manners of the fat

official; but the Government did not pay a man to roll about in splendour in his carriage, and give *fetes* and balls; they expected him to use his mental faculties a little, to receive the benefit of his mind."

The debate was finally narrowed down to the subject immediately before the House—viz: the reduction of salary for the future Clerk of the Pleas. It was argued by the friends of the Bill that the labour performed by the present incumbent was not proportionate to the salary received—that a subordinate, at about £100 a year, discharged all the duties for which the principal received £900. That the practice was pernicious, both to an official and to the public service, to pay a man a salary large enough to enable him to neglect his duties; for where a person has large means placed at his disposal, it is a temptation to extravagance, and to render himself as imposing as possible. It was also contended that many competent persons could be obtained, to accept the office of Clerk of the Pleas, for £200 a year. In rebutment it was alleged that the duties of the Clerk of the Pleas, when discharged aright, were onorous and responsible—that he ought to be a Barrister of six or eight years' standing, as there were duties connected with his office requiring high professional talents. He ought, as in England, to be capable of assisting the Judges in the course of their practice, in abstruse cases. In regard to getting men to take the office at £200, there was no question but that enough of such could be had; but as to their competency, it was doubtful if any thing could be said in their favour. It was a false economy to pull down, merely for the sake of building up, without at the same time taking into consideration the character of the foundation upon which the superstructure was to rest. It might happen that a saving in small matters would result in a loss in matters more important, even to the prejudice of the service for which the saving was to be effected. That talents, or competency, are to be obtained at all times and at inordinately low prices, was a notion unsustained by the practice and experience of every-day business life.

The quality of an article, in mercantile life, is of more consideration, with a man of business, than its cheapness.

As a general rule it is found that the cheap servant is in the end the most expensive one. It was further argued, that the very fact, that no first rate Accountant, or Book-keeper, was in receipt of less than £300 a year, in a Mercantile or Banking establishment, was proof sufficient that the services of competent men are not to be had for a small sum. How much more important, then, the situation of an official, on whom devolves so weighty a responsibility, as the keeping of all the legal records; and who, besides, must forego the pecuniary advantages of a profession to which he had been educated, and which, by his practice at the Bar, would bring him in a good salary!

The Bill was finally passed; and on motion of Mr. Ritchie, the blank filled up with £250. Thus, the then incumbent of the office was to remain at his old fixed salary of £900; and his successor was to go in upon a salary of £650 less. Since this Bill was passed the salary has been increased from £250 to something like, or about equal to, £500, (including Clerk hire)—so that some of the advocates of the small figure have lived long enough to see that the arguments of those in opposition to them, were not altogether groundless, and that it is impossible to get a good man for a responsible situation, unless you pay him a good price.

On the 2nd March, the House went into Committee of the whole upon the Bill, introduced on the 8th February, by Mr. Attorney General Wilmot, for a reduction of Judicial Salaries. The Bill was to be prospective—to go into effect with the successors of the Judges then in office. A short *resume* of the history of the various discussions that had from time to time been held in the House, with regard to official salaries, may not be out of place here. Previous to 1836, the Public Domain of this Province was in the hands of a Government responsible to no one, and who expended the revenues derivable therefrom as best pleased themselves. In 1836 the Casual and Territorial Revenues were ceded to this Province, under a guarantee that we should pay the salaries of certain public officers. An application had been made on the part of the Assembly for a reduction of public salaries; but Lord Glenelg, the then Colonial Secretary, had refused to comply therewith. In a

despatch from that officer in September 1836, he alluded to this subject. This despatch showed what had grown out of the Deputation that had been sent to England to treat with the English Government upon the Casual and Territorial Revenues. In a despatch from the same officer, under date 31st August, 1837, a reduction of salary was first allowed. In the short Session of 1837 the subject was brought under the notice of the Assembly, and a scale of salaries was proposed and forwarded to the Secretary of State. In this scale the Chief Justice had been put down at £1,200, which was also in consideration of his services as President of the Legislative Council, a duty from which he had since been relieved. The Puisne Judges were put down at £750 each, inclusive of fees, which made the sum up to £900. During the following year an answer had been received to this proposed scale, in which the Colonial Secretary recommended the addition of £300 a year to the Chief Justice, in consideration of his duties as President of the Council. Here the doctrine of vested rights was clearly laid down, and duly taken care of. The next proceedings taken in reference to this subject was in 1839, when a Committee was appointed from the House, consisting of the hon. member from Northumberland, Mr. Rankin, the hon. member from St. John, Mr. Woodward, and Mr. L. A. Wilmot. This Committee prepared a report, with a scale of salaries, which was submitted to the House, wherein the Chief Justice, who had then retired from the Council, was put down at £1,000 in lieu of all fees and travelling expenses; the Puisne Judges at £900 each, also in lieu of all fees and travelling expenses. A very strong desire was then manifested to alter the scale of 1837; but upon a division of the House at that time the report of the Committee was lost, 10 yeas to 12 nays, and the proposed scale fell to the ground. In 1841 a second Committee was appointed for a similar purpose, who prepared a scale exactly corresponding to the one last named; the report of the Committee was at this time adopted by the House. In 1843 an Address was prepared and sent to Her Majesty, embodying this scale; and down to this period there had been no Address upon this subject to the Crown; yet now an Address was prepared, and strong arguments

were used to induce the Home Government to reduce the Civil List from £14,500 down to £12,000, or thereabouts. This Address was duly transmitted to the then Colonial Secretary. In 1844 Lord Stanley answered the Address in a despatch then published, and positively refused to interfere with the salaries of the then incumbents. It was therefore useless to attempt any interference with the present incumbents of office. The salary of the Provincial Secretary became the subject of investigation, and in 1845 the scale proposed in 1843 was finally ratified. In 1846 despatches were received from the Colonial Secretary, in which a desire was expressed that the question of salaries should be set at rest, and not re-opened so frequently for discussion in the Legislature and correspondence with the Home Government.

It was now considered impolitic by the Attorney General to attempt to interfere with the present incumbents, and cut down their salaries. In attempting too much they might gain nothing. There was no security where there was so much uncertainty; and if public officials were to be discussed every year, or every few years, it would deter men of honor and sensitive feelings from assuming a high official position. It was argued that if there were a class of officers in this country more than another who should be entirely independent in their circumstances, it should be those men who had the administration of our laws in their hands; and they, above all others, should be placed in independent circumstances. At this time there was a surplus that had been accumulating in the Civil List Fund, amounting to £2,100. The Attorney General would take this sum, and relieve, to that extent, some of the salaries borne upon the Civil List Fund—or, as a next resort, that the latter Fund (amounting to £14,500) should be reduced to £12,500. The Attorney General would then fill up the blanks in the Bill as follows: The Chief Justice to have a salary of £800, and the Puisne Judges £700 each—all exclusive of fees, except travelling expenses, which were to be allowed as at present. Or, another course might be adopted—viz: allow the Judges to have the fees, and fill up the blanks with £100 less on each of the salaries, which would make it equivalent to the former scale.

The arguments used by the different speakers in opposition to those of the Attorney General, where he advises caution and a due regard for vested rights, and not too frequent interference with official salaries, may be thus epitomised. It was well known that when the Assembly first made the attempt to cut down official salaries, they immediately found themselves in direct collision with the Lieutenant Governor, and the whole array of irresponsible officials, and that every possible obstacle which could be thrown in the way, coupled with all the back-stairs influence of those days, was brought to bear against them. Under these circumstances, and opposed by so powerful an organization, the people were glad to take what they could get; in fact, they had to fight the ground inch by inch against fearful odds; in this way had those enormous salaries been wrested from the holders; but there remained much more to be done—they required to be reduced still further. This would account in some measure for the frequent attempts which had been made, and the frequent reductions which had taken place. But there existed another strong reason why a further reduction should be made. Since the completion of the contract with the Home Government in 1836, by which the Casual and Territorial Revenues were ceded to this Province, and by which we became bound for the payment of £14,500 a year for the establishment of a Civil List, a very considerable portion of our public territory had been taken from us by the Government of England, and handed over to the United States. It was not attempted to find fault with this arrangement made by Great Britain; it was doubtless necessary to preserve that peace and good feeling between two great and powerful nations for the sake of the welfare of her commercial subjects, and of the nation generally. The object was to show that a very considerable, and a very valuable portion of the public domain of this Province had been taken from us, which, in the opinion of members, formed another strong reason why those salaries chargeable on this Civil List should be further reduced. Besides, where—it was asked—was the man in this country, who, having spent the flower of his days in pursuing the calling allotted to him—whether commercial, professional, or otherwise—who having toiled

and grubbed until his grey hairs betokened the approach of old age—where was the man, who at that period of time, could retire from the turmoil of an active life, upon the comfortable allowance of nine hundred pounds a year? The country did not nor could not produce one; it was a poor and a hard country to live in, its inhabitants could not afford either to indulge in habits of luxury themselves, or to support others in them, and there could not be a doubt, but that the payment of high salaries had a very injurious effect upon society, as those in the enjoyment of them would naturally proportion their style of living to their means, which led others on to imitate the example thus set them, and which frequently produced ruinous consequences. There was still another argument. It had been frequently asserted on the floors of the House, that the present commercial policy of England was fast ruining her British North American Colonies, and was consequently taking from us the power, or the means, of paying such enormous salaries. Formerly Great Britain cherished her North American subjects by protecting our trade and commerce, but now we were treated in her ports as foreigners; and thrown, as we thus were, upon our own resources, it certainly became those who had the interest and the well being of this country at heart, to set about making every possible retrenchment.

In order to test the question of "vested rights," Mr. Ritchie had prepared an amendment which he intended to submit to the House, and which would, if passed, have an immediate bearing upon the salaries of the present Judges. He would propose the following as a scale of salaries, in lieu of that offered by the Attorney General. He would reduce the *present* Chief Justice from £1200 a year to £900; he would reduce the present Puisne Judges from £900 to £750; the Master of the Rolls he would reduce from £800 to £700. This would effect a present saving of somewhere about £1000 a year. The future Chief Justice he would allow £700; the future Puisne Judges, £650; and the future Master of the Rolls, £600. This would effect a saving of £1400 a year on the sum now paid—which was but a small difference between the two propositions.

Other honorable gentlemen for and against the measure,

intimated that other officials besides the Judges should be singled out for decapitation. The Bench ought not to be interfered with until retrenchment had done its work in all other respects. The office of a Judge was most laborious. The amount of bodily as well as mental drudgery, which a Judge had to perform, was unknown to all outside of the profession of the law; and not even by every one in it. It was further contended that it was useless to vote for the proposed amendment (for affecting the salaries of the present Judges) inasmuch as it would not pass into a law without the sanction of the English Government; and the Colonial Secretary had declared by despatches, over and over again, that there were "vested rights" which the Crown was bound to sustain, in obedience to the compact entered into between it and the Province when the control of the Casual and Territorial Revenues was surrendered. But while this plea was offered, it was not disputed that a reduction of official salaries was a subject about which the Legislature had a right to say something. Mr. Brown, of Charlotte, considered that £300 was high enough for any official in this country.

After several days debate, the amendment was put and lost. The division was as follows:—

Yeas—Mr. Jordan, Barberie, J. Earle, Woodward, Connell, Ritchie, Tibbits, Taylor, Porter.

Nays—Hon. Mr. Speaker, Wilmot, Fisher, Partelow, Hanington, Mr. Boyd, Carman, S. Earle, Cranney, Brown, Thomson, Wark, Hayward, Baillie, Miles, Montgomery, R. D. Wilmot, Street, Landry, Steeves, Wilson, Smith, End, Read.

The question was then taken on the original Section, when the Committee again divided—*Yeas* 31, *Nays* 2—and it was carried in the affirmative, and the several blanks filled up, and the salaries to the future officers named in the Section were settled as follows:—

Chief Justice, seven hundred pounds currency; Master of the Rolls and Puisne Judges, each, six hundred pounds currency, per annum.

The Committee then went through the Bill Section by Section, and agreed to the same.

In addition to the salaries of the Judges, it must be remembered that their travelling expenses were paid by the Province, amounting in gross to about £250 per annum.

On the 9th March, a Bill introduced by Mr. Fisher, for vacating the seats of members in certain cases, was committed for discussion. It embraced the Provincial Secretary, the Attorney and Solicitor Generals, the Surveyor General, and Provincial Treasurer.* This Bill was predicated upon a despatch received from the Colonial Secretary, in which the tenure of office is defined, and wherein officials are informed that henceforth their situations will be dependent upon their political positions, and not as heretofcre upon the right of possession. Up to this time these offices were for life, and obtained, as vacancies occurred, through the influence of friends in the Government, and without regard, or responsibility, to the people. This Bill then was to form the entering wedge to a more liberal and enlarged state of things. Earl Grey had mentioned certain offices, but left it optional with the local Government as to what offices should, and what should not, be considered political.

It was contended by some of the speakers that all subordinate, or minor officials, receiving their appointment from the Executive Government, should be included in the Bill; for it could not be denied that all such were to a greater or less extent, dependent upon the Executive; and, while holding seats upon the floors of the House, could not exercise their legislative functions with perfect independence. It was further alleged, that the reason why the Government of Great Britain was held up to the world as a model of superiority, was on account of the number of independent members which the House of Commons contained. If the Government attempted to do wrong, they were met by an independent body of men, not one of whom held an office of emolument. The case was different in France. There, two-thirds of the members of the Chamber of Deputies were dependent upon the Government, and bound to stand by their superiors, no matter how arbitrary their acts. Hence the downfall of Louis Philippe, when measures were intro-

* As the latter office has never yet been made political, the incumbent of it is not affected. Since the passage of this measure the office of Postmaster General has been made political.

duced for retrenching the liberties of the people. The representative body and the Government of that country were a united phalanx, a power that nothing could overcome except by revolutionary process. In a small legislative body like ours there was much danger to fear by the packing of the House with Government employees. Even the heads of departments were considered to be a heavy weight for turning the scale on the side of ill-considered measures. But as this was purely British, and we were struggling for British principles in their integrity, the objection, if such it could be called, was unavoidable, and not of easy remedy.

It was further argued, that if we were to have Responsible Government, we should have it in its entirety; and the endeavour of hon. members should be to purge the popular branch of the Legislature as fast as the circumstances and intelligence of the country would permit. It was thought that the present Government, notwithstanding the liberal element that had been infused into it, had not carried out, or attempted to do so, the principles of the despatch; for several members of the House had been appointed to office since that despatch was received.

No hon. member contended more earnestly for the principles of the constitution than the late Mr. John A. Street. Now that Responsible Government had been conceded and admitted, he said he wished to see it carried out both in letter and spirit.

Mr. Attorney General Wilmot could not admit the principle of compelling every official in the House to come within the range of the Bill. It was too much like Republicanism to visit every petty office holder, obtaining perhaps, in some cases, not more than ten pounds a year, with the penalty of displacement on becoming a member. The heads of Departments, and perhaps the officers connected with the Treasury, might, he thought, be included, which was going quite far enough in a Colony.

After many propositions and counter propositions in amendment of the Bill, by different members, and division upon division, the Bill was finally passed, after being amended so as to embrace *all offices of profit, or emolument*, under the Crown.

CHAPTER XXIII.

Protection to the Millers — Local feelings excited — Railway Deputation from St. John — The Shediac Railway — Conflicting lines — The Revenue Bill — Clearing obstructions in the Saint John River — Railway Calculations — Wide difference between the original calculation and the actual cost — Mr. Perley's Report on the Gulf Fisheries — Railway discussion — The St. John and Shediac line rejected — Great disappointment in St. John — An indignation meeting called — Strong Resolutions passed — Railway League formed.

In 1849, when "high protection" and "free trade" were the great party cries in this Province, a number of flour mills were erected, especially in the neighbourhood of St. John, which did a large business, and, no doubt, with great benefit to the public. These "institutions" were originally fanned into existence by means of the high Imperial duties, which at one time demanded a dollar a barrel on flour. When the Imperial duties were about being withdrawn, it was thought by a majority of the House, that it was due to the Millers, that their interests should be protected to a reasonable extent. On the recommittal of the Revenue Bill for discussion, on the 9th March, Mr. Partelow moved that a specific duty of 2s. a barrel should be imposed on Wheaten Flour. This was the signal for battle between all the Political Economists in the House. The Free Trader did not believe in taxing the poor man's bread a single penny. The Protectionists declared that if the Mills were shut up from want of encouragement, the poor man would have to pay a

much larger amount for his loaf than it then cost him. One gentleman (Mr. Wark) said that he was informed that the importers received, on an average, about 1s. 3d. a barrel profit. He thought, therefore, the Millers should be satisfied with 1s. 6d. protection.

Then the *local* feelings of hon. gentlemen were excited in the course of discussion. Northumberland, for instance, in the person of Mr. Carman, said that if a few Millers in St. John were to be protected to the injury of every other class in the Province—if this was to be the principle upon which they intended to act, it was time we knew it. It was no time now (said Mr. C.) to talk of 2s. a bbl. duty on flour, when the country was starving. It might be said that this duty would not affect the North Shore, as the principle of intercolonial trade would give them Canada flour duty free; but this was not the case—Canada would not reciprocate, and it would not be the interest of the Government of this Province to bring that reciprocity about if this duty was imposed.

Mr. Boyd, from Charlotte, was also opposed to protecting the Millers. He said they already had 13s. 6d. profit on every barrel they manufactured. Mr. Partelow considered it was a waste of time to discuss the subject—*for every member had his mind already made up*, which was no doubt true, and very common in those days; for the principles of free trade and protection entered so closely into the fibre and tissue of every hon. member's politics, that nothing, unless local influences, could induce a supporter of either party to change sides.

Mr. Brown enumerated the difficulties to which the imposition of this duty subjected the County of Charlotte; he thought they had better put a small duty on some other articles, and allow flour to come in duty free. He said this question of political economy was a very difficult and knotty one; it was something like the Scotch blacksmith's idea of Metaphysics; he said Metaphysics were two or three men listening, and one man talking; the men listening could not understand what the man was talking about, and he that was talking could not tell what he was talking about himself.

The question was finally taken to insert wheat flour in the Bill, when the Committee divided—Yeas 22, Nays 11.

Hon. Mr. Partelow moved that the blank be filled with 2s. Mr. Ritchie moved as an amendment that the blank be filled with 1s. 6d. Mr. Ritchie's motion being put, was lost. The original motion was then put and carried 19 to 14.

Mr. Ritchie presented a petition from James Kirk, Chairman, and James Robertson, Secretary, of a Public Meeting recently held at St. John, setting forth certain resolutions passed at said meeting relative to the subject of the contemplated line of Railway between St. John and Shediac, and praying Legislative aid in the construction of the same as a Public Work. The Petition having been received, Mr. Ritchie moved that a Select Committee be appointed to take the subject matter of said petition into consideration, and to report thereon at an early day.

A Committee of eleven were appointed, which met next morning (10th) in the Speaker's Room, to consult with an influential delegation from St. John, among whom were Dr. Robert Bayard, John H. Gray, Edward Allison, William Wright, M. H. Perley, and James Whitney, Esquires.* These gentlemen in turn addressed the Committee in explanation of their object, and of the superior paying probabilities of the project. Dr. Bayard was the first speaker, and his observations were said to be very satisfactory.

Mr. Brown asked the Government what were their intentions relative to this Railway. The Attorney General (Wilmot) said that the Government were determined upon having a Railroad—and that the Shediac line, over all others, would be the most likely to pay, and he was resolved to give it his best support. The Hon. Mr. Partelow was equally warm in favour of this line, and gave his opinions as to how the stock should be taken.

On the 12th, Mr. Boyd's Bill for the issue of Provincial Scrip to the amount of £50,000, to be applied towards completing the St. Andrew's Railway, was recommitted.

The Revenue Bill was passed by the House in Committee, after a protracted "free trade" and "high protection" debate. Mr. Partelow being the great tactician in all such matters, (the leader of the Select Committee in this particular) shaped the Tariff in such way as to interest all parties and yet satisfy

* All now dead but two.

none. In explanation of this, it may be stated that such articles as could be manufactured in the Province were more highly thought of for taxation than others, but not to the extent demanded by the protectionist; whereas, the free trader was dissatisfied, because, he contended, that every penny of taxation, beyond the ordinary wants of the country, would come out of the pockets of the consumer, and go straightway into those of the producer. The Select Committee had agreed (differential duties not having been allowed by the British Government,) to fix the duty for the present year at not higher than 20 per cent.* The free trader contended that more than 10 per cent. would lead to extravagance, and prove ruinous to the country; while the other side was equally demonstrative in his own views, and argued that the country would certainly be ruined, if allowed to be flooded with foreign merchandize. It was a foregone conclusion, that the country would be ruined in either case. Mr. Ansley, the new representative from the Saint John Protection School, delivered his maiden speech on this occasion. He said that "if it were not for interfering with the arrangements of the Select Committee, he would go for 30 per cent.; in fact he would be willing to go for a duty which would amount to prohibition, where the principle of protection was involved; especially on such articles as could be readily manufactured in the country. It was preposterous to talk of levying duties for the purposes of protection and revenue both; a duty which would not prohibit, could not, properly speaking, be called a protective duty; whereas a duty levied for the purposes of protection should not be looked upon as a duty for raising a revenue." Alluding to the United States Tariff, he said—he could not understand why protection would be profitable to a country with 20,000,000 of inhabitants, and be unfit for a country containing 250,000. The question was finally taken on the 10 per cent. motion, which was negatived—15 yeas to 19 nays. The original motion, 20 per cent., was then put and carried—19 to 15.

The House went into Committee on a Bill introduced by Hon. Mr. Fisher, for the improvement of the Navigation of

* For the previous year the duties had been 4 per cent. British, and 30 per cent. Foreign.

the River Saint John. If the necessary obstructions were removed, Mr. Fisher considered that the River would be navigable for steamers to the head of Lake Tamiscouata—thence connecting across the *Portage* with Trois Pistoles, and so on to Quebec via the Saint Lawrence. Mr. F. expatiated upon the great advantages which the Trade of this Province would derive by means of this highway. It was provided in the Bill that the Government should be empowered to expend from £3000 to £5000 a year, for a period of seven or eight years; and thus, it was asserted, some substantial good would be effected. After some discussion it was finally agreed to grant £2000 a year for five years.*

On a previous page reference is made to a Committee having been appointed by the House to confer with a Railway delegation from Saint John. On the 17th the Committee submitted their Report, which occupied no less than two columns of a newspaper—in which it was represented that a *continued connection with the British Crown* would be dependent altogether upon the development of new resources, in order that the people might find employment; and that this project, if adopted, would furnish immediate relief, and re-establish confidence among the working classes. The calculation of the Committee was that the road could not possibly cost more than £500,000! The fact of this was so patent to every member of the Committee, that it could not be conceived for a moment how it was possible that any one should have the effrontery to dispute the assumption. These gentlemen, no doubt, were conscientious in what they said. We were all alike victims of the Railway mania of the times, and could see nothing but the brightest prospects in any Railway undertaking. And after all, perhaps it is as well in some cases, that the extreme cost of a great work is not always distinctly clear in the first figuring up; for had it been known in advance what was to be the full cost of the Saint John and Shediac line, the people in and out of the Legislature would have turned their backs upon it, without a moment's hesitation. Commencing in ignorance of the solid fact, which was afterwards to represent a cost of a million

* The River above Fredericton seems to be in no better state now than it was in 1849. The passage to Woodstock is as much dependent upon the *rains* as before any thing was done towards improving the channel.

and a quarter, we have managed to obtain a road, the debt of which is more then counterbalanced by the advantages—nor is there any one at the present day who would wish that the work had never been undertaken. We are taught a lesson, however, by the result, not to be too sanguine in our flights of fancy, or the summing up of our ideas. Figures are like every thing else, dependent upon the position in which they are placed, and the ingenuity of the party who has a purpose to serve in using them. One of the advocates of the Shediac line said that he had *proved* by "facts and figures," that "even the present traffic [over the common highway] will more than pay the interest (£25,000) on the money to be invested." Another gentleman from Saint John, one of the delegates, in addressing the Committee of the House, stated that "last year Salmon were exported from Saint "John done up in ice, amounting to £17,000 in value. Now "if we could get at the Salmon along our Northern coast, "the exports of this fish alone, to the United States, would "amount to upwards of £100,000, at the very least calcu-"lation. *There is no doubt about this.*"

Have these calculations been realized?

Another gentleman was satisfied that if St. John and Shediac harbours were connected by a railroad, the impetus that would be given to the Gulf Fisheries would be such, that the road would groan continually beneath the loads of Fish that would find their way to St. John for foreign exportation. There would not be wharves enough for the warehouses, and for the number of vessels that would be in port to convey away the freight. Mr. Perley's able Report on the Gulf Fisheries, was descanted upon by more than one speaker; and as this Report is even valuable at the present day, as showing the vastness and richness of the mines of wealth that lie undisturbed by our own people, even now that we have a railroad, its republication will be well worth the space it will occupy. Mr. Perley says:—

"There is probably no part of the world in which such extensive and valuable Fisheries are to be found, as within the Gulf of St. Lawrence. Nature has bountifully provided within its waters, the utmost abundance of those Fishes which are of the greatest importance to man, as affording not only nutritious and wholesome food, but also the means of profitable employment.

"These Fisheries may be prosecuted as well in the open waters of the Gulf, as within every Bay, Harbour, Creek, Cove and Inlet in connection with it. Whether on the bleak and sterile coast of Labrador; or on the western coasts of Newfoundland and Cape Breton; or along the eastern shores of Nova Scotia and New Brunswick; or within the Bay of Chaleur; or around Prince Edward Island, Anticosti, or the Magdalen Islands, the fisherman may pursue his labours with nearly equal chances of success, and the full prospect of securing an ample reward for his toil.

"With such valuable and unlimited Fisheries in close proximity to these Colonies, and as it may be said at the very doors of the inhabitants, it is no less strange than true, that they are prosecuted to the greatest extent, and with most profit, by citizens of France and of the United States.

"The French exercise an almost exclusive right of fishing upon the western coast of Newfoundland, the fertility and great mineral wealth of which have only recently become known, and are not yet fully appreciated.

"From seven to eight hundred sail of American Fishing Vessels enter the Gulf of St. Lawrence annually; and scattering over the whole of its wide extent, with little heed of the limits to which they are restricted by treaty, pursue their business unmolested, and but rarely leave their stations without full and valuable fares.

"The Jersey merchants also prosecute these Fisheries with great zeal and assiduity, and, as it is believed, with much profit. They have permanent establishments and fishing stations in Gaspe, Labrador, and Newfoundland, and two or more establishments in New Brunswick; but they by no means confine themselves to any particular locality. They employ upwards of one hundred vessels almost exclusively in carrying the rich products of the deep to various foreign markets, besides the smaller craft required upon the coast. Two of the leading Jersey firms, Messieurs Robin and Company, and Nicolle Brothers, are supposed respectively to afford employment, directly or indirectly, to nearly one thousand persons.

"The inhabitants of those shores of Cape Breton and Nova Scotia which are within the Gulf, pursue the Fisheries in their immediate neighbourhood to a moderate extent; and a few of their vessels visit the Magdalen Islands and the Labrador coast during the season. The people of Prince Edward Island, who are favorably placed for securing a goodly portion of the riches of the sea, make still more limited efforts; but their efforts can scarcely be described as more limited or more feeble than those of the people of New Brunswick who dwell upon its shores from Bay Verte to

the western extremity of the Bay of Chaleur—those shores commanding as great an extent and variety of Fishing ground, and as abundant supplies of valuable Fish of every description, as can be found in any other part of the unrivalled Gulf of St. Lawrence, while they possess equal and perhaps superior facilities for prosecuting its Fisheries both extensively and profitably.

* * * * * * *

"That the varied, exclusive, and most abundant Fisheries of the Gulf of St. Lawrence, would be greatly influenced by the construction of a Railway along the eastern coast of New Brunswick, there cannot be a reasonable doubt; but in all probability, the proposed Railway from Shediac to the Harbour of Saint John, would affect those Fisheries in an equal, if not a greater degree.

"The hardy and enterprising fishermen of the Bay of Fundy dread the long and dangerous voyage around the whole Peninsula of Nova Scotia to the fishing grounds of the Gulf, a voyage which frequently lasts three weeks, and is deemed by Underwriters equally hazardous with a voyage to Europe; but it is not alone the dangers of the voyage which deters them from the prosecution of these Fisheries; it is the great loss of time they occasion, and the expense they create, as these render the adventure, too often, far from profitable.

"A Railway from Shediac to the Port of Saint John, which is open at all seasons of the year, would enable the various products of the Fisheries to reach a Port of shipment in four hours, and the necessity for the long voyage around Nova Scotia would be wholly obviated. The fishing vessels could winter at any of the Ports on the Gulf shore which they found most convenient; their stores and outfit could be sent up by Railway; and they would, in such case, enjoy the advantage of being on the fishing grounds at the earliest moment in the spring, and the fisherman could protract his labours until the winter had again fairly set in.

"The fresh Salmon packed in ice which were sent last season from Saint John to Boston by the steamers, owing to the facilities of transport in the United States, in two days after they left Saint John, appeared at table, in fine condition, at Albany, Buffalo, Niagara Falls, New York, and Philadelphia. If the Salmon of the northern Rivers could be transported by Railway to Saint John, they would find a ready market in the numerous Towns and Villages of the United States, and the Salmon fishery alone would prove a perfect mine of wealth to the northern part of the Province.

"The immense products which might be obtained by a vigorous prosecution of the Fisheries for Herring, Cod, and

Mackerel, would not only furnish a fruitful source of profit to a Railway, but they would afford such an amount of remunerative employment to all the productive classes, as almost to defy calculation. They would enable the Province to open up and prosecute a successful trade with several foreign Countries, with which at present the merchants of New Brunswick have no connection whatever. The farmer also would be greatly benefited by the extension of the Fisheries in connection with the Railway, because he would not only find a more ready market for his surplus produce, but he would be furnished with wholesome and nutritious food, at all seasons of the year, on the most reasonable terms.

"Aided by Railways, the Fisheries of the Gulf of St. Lawrence, now of so little importance, and such limited value, would take rank as one of the highest privileges of New Brunswick—its unfailing source of wealth forever hereafter—and while the efforts of the people were successfully directed towards securing these bounties of Providence, lavished with such unsparing hand, they would rejoice in the goodness of an all-wise Creator, and offer up humble but earnest thanks to Almighty God for his exceeding goodness and mercy towards his erring and sinful creatures."

These prophecies were all made in good faith. Editors as well as Legislators and others, "took glimpses of the moon" through one and the same telescope. We could not admit that there were any doubtful phases in the disc presented to our view. Every feature of the landscape was as clear to the vision as the noon-tide sun. And now, after the road has been built a dozen years, what is the realization of these fond dreams? The Fisheries are as prolific as ever—furnishing employment to hundreds of American fishing craft every season; but instead of "loads of freight" of this description, passing along the railroad from Shediac to St. John, the writer has not heard of the first car load; and he questions whether the enterprise of our Merchants has up to this time been directed to a branch of business, which, no doubt, would be highly remunerative. In a word, our Fisheries are as undeveloped to day, with all our facilities, as they were twenty years ago, when it was calculated that it only required railway facilities to get at them.*

* In former years dried Codfish could be purchased in the St. John Market for 12s. 6d. a quintal. Of late years the price has nearly doubled there. Surely then there must be a large home-market for the encouragement of the Fisherman?

The debate upon the Report of the Railway Committee lasted several days. Every hon. member had a scheme of his own to propound. Mr. Woodward was in favour of the Province giving a round sum for the encouragement of Railways, amounting to £350,000, to be expended at the rate of £70,000 per annum for five years, and to be thus apportioned: To a Railway from Shediac to the Bend, £25,000; from St. John to Hampton Ferry, £25,000; St. Andrews to Woodstock, £50,000; from St. John to meet St. Andrew's line, £35,000; cross line to Fredericton and St. Stephen, £45,000; and from Woodstock to Canadian Boundary, £170,000. Mr. (R. D.) Wilmot thought it best only to build the Bend and Shediac Section first. But it is unnecessary to enumerate the various projects submitted, as they were conceived without sufficient calculation, or, (as it seems at the present day,) sufficient amount of prudence. It would afford the political student a fund of amusement, to wade through the several speeches that were made on that occasion, especially of those who favoured the Report of the Committee. With them the belief was, that without railroads, "it was feared that our position as Colonies will be of short duration." The Attorney General contended that the St. John and Shediac Railroad was the only local line that could be built with advantage, and the only one that promised the best returns. All very well, said Mr. Brown, of Charlotte; but "he was prepared to show that the St. Andrew's line would be the most remunerative."* Mr. Boyd was also positive as to the superior paying qualities of the St. Andrew's line, if once built. The traffic, for quantity, on the Shediac line, could bear no comparison. The immense emigration that would flow into the Province, and settlements on the St. Andrew's road, would add vastly to the general revenues.

After five days' discussion the House divided upon the Attorney General's resolution, in acknowledgment of the necessity for building Railroads in the Province; and then a strange scene followed; one resolution was placed upon another—amendment upon amendment added—until resolutions and amendments became so tangled, that it required

* See News Report of Debate, March 26, 1849.

some genius in the movers to recognize their own offspring. Some were for one thing and some for another—some hardly knew what they did want, but thought they wanted something. In order to get at the *sense* of the House, there were nine resolutions and amendments proposed; and finally the whole affair ended in—*nothing!* The St. John and Shediac line, the child of so many hopes in St. John, came to an untimely end. Having acknowledged the principle of railroads, all that the House could be induced to pass, when there were so many conflicting crotchets before it, was a bald resolution, to the effect that the Legislature would be willing to grant to any Company that would undertake to build the Intercolonial Railroad, five miles of land on each side of the road, and the right of way through the Province!

As soon as the news of the defeat of the scheme was received in St. John, the whole City felt as if it ought to go into mourning. There was lamentation and woe on all sides. Blue-ruin and annexation looks were depicted upon many a sallow complexion. It would be interesting now to read the lucubrations of the Press on that occasion. Every hon. member who opposed the railroad, was treated as a common enemy of his country. Epithets, not always of a *Parliamentary* character, were heaped upon his head. A public meeting was immediately summoned, upon a requisition to the Sheriff, signed by 400 persons, with a view of giving the citizens an opportunity of expressing "their feel-"ings of indignation at the shabby manner in which they "have been treated by the House of Assembly." The meeting was accordingly called for the following Monday.

At an early hour on that day, (2nd April,) the Court House began to fill rapidly with an anxious multitude. Every citizen seemed to feel, on this occasion, that he really "had a stake in the country," and the success of the measure, in spite of the Legislature, was dependent upon his individual presence at the Court House. On no great occasion before, was there such a numerous, motley, and excited gathering. It is only necessary to say, that it was "an indignation meeting," in the fullest sense of the word. The resolutions were sharpened to the finest edge, suitable to the temper of the people, without bringing the movers and

seconders within the purview of the "breach of privilege" regulations. Walker Tisdale, Esq., on motion of Sheriff Johnston, was called to the Chair. The principal Speakers were John H. Gray, Esq.; Dr. R. Bayard; Robertson Bayard, Esq.; William Jack, Esq.; George Blatch, Esq. One resolution called upon the Governor to dissolve the House immediately—passed. Another resolution was for forming a "Railway League" in St. John, favourable to the construction of railroads in general, the Shediac line in particular—also passed. The meeting lasted five hours. The calculations, largely entered into by some of the speakers, as to the paying properties of the St. John and Shediac Railroad, when once built, if reproduced now, would be exceedingly interesting; although at that time, the writer, like others, could see nothing but railroads, believe in nothing else as the panacea for all our commercial woes. There was no reverse side to the picture. Our fancy word painters were satisfied with the colouring furnished to them by an over-heated imagination—the outlines were well drawn, but as a truthful picture, the essential features were largely inaccurate.

In obedience to the resolution, calling upon His Excellency to dissolve the House, a Petition was drawn up and placed in the News Room and Book Stores, for signature. In a few days this document was numerously signed, embracing a large number of influential names; and as it indicates a good deal of the strong feelings of the day, its republication here, it is believed, will be read with interest:—

To His Excellency Sir Edmund Walker Head, *Bart., Lieut. Governor of the Province of New Brunswick, &c. &c. &c.*

The Petition of the undersigned Freeholders, Freemen, and Inhabitants of the City and County of St. John,

Humbly Sheweth,

"That the Commerce—the Agriculture—the Manufactures and the Fisheries of this Province, are in a state of unprecedented depression.

"That an Emigration, destructive alike to the present interests and future prosperity of New Brunswick, has been, and still is going forward from its shores.

"That your Petitioners fully coinciding in the principles enunciated by Your Excellency—'that at a time when other

countries are making such gigantic efforts to increase facilities of intercourse by the construction of railways, we cannot properly abstain from doing our utmost to promote objects of the same character.' And sincerely believing with Your Excellency that—'the destiny of these Provinces is, under Heaven, involved in this question more than in any other question that can be named,' are impressed with the conviction that the construction of railroads within New Brunswick will be the most effectual means of checking the ruinous emigration of its inhabitants—of developing its resources, and ensuring its prosperity.

"That your Petitioners heard, with unqualified satisfaction, the response given by the House of Assembly to Your Excellency's sentiments and opinions in their answer to that part of Your Excellency's speech, and hoped that the pledge contained in that answer would have been redeemed.

"That in proportion to their former satisfaction and their hopes, is their deep disappointment, to find that majorities of the House of Assembly have rejected all the measures that have been brought forward at the present Session, for the furtherance of objects so desirable.

"That your Petitioners deem it of the utmost importance that the opinion of the country should be taken on a question so momentously affecting its welfare, and therefore humbly pray, that Your Excellency may be pleased to dissolve the present House of Assembly in this Province."

"The Railway League" was formed in accordance with the resolution passed at the public meeting—the Committee of management were: Dr. R. Bayard, J. H. Gray, James Whitney, William Wright, Edward Allison, and M. H. Perley, Esqrs. Having authority to add to their numbers, the following gentlemen were also chosen:—Thomas Allan; Robertson Bayard; William J. Berton; George Carvill; L. H. DeVeber; Joseph Fairweather; Thomas R. Gordon; Thomas Hanford; Gustavus R. Jarvis; Robert Keltie; Jos. W. Lawrence; John C. Littlehale; John R. Marshall; Chas. J. Melick; William J. Ritchie; James Robertson; Charles C. Stewart; William H. Scovil; Charles L. Street; James Travis; William Thomson; S. L. Tilley; John E. Turnbull; Robert D. Wilmot. A very large number of persons (embracing all classes and interests) became members of the League.

On the 29th March, a Bill in amendment of the St. John City Charter, was committed and discussed. A few words

of explanation in regard to the system for which this Bill was to provide an improvement. The Mayor had always been appointed by the Lieutenant Governor—also the Common Clerk; and it was seldom that the former was retained in office over a second term. Men of good standing, well esteemed in the community, were selected.* Of course the people had no voice in the matter; and it is a question now, whether they lost any thing in consequence. The principle is undoubtedly right, but the practical working of it is questionable. Since the Charter has been amended in this respect, the best interests of the City have not been promoted to the extent anticipated by its reformers. There was one Alderman and one Assistant (the title since changed to Councillor) for each Ward. There was no Registration of Voters—no Police Magistrate—no properly organized Police force. The "roughs" had things pretty much their own way. Life and property were therefore comparatively insecure. The Aldermen sat in judgment, either at the Police Office, or wherever else they pleased; and all the fines (such as now go into the City Treasury, through the hands of the Police Magistrate,) were consumed in *expenses*, and the public derived very little benefit. The present Bill provided that the Mayor should be elected by the Common Council from among themselves—which was agreed to.† Also that there should be a Stipendiary Magistrate, and an organized Police force—that there should be a Registry of Voters—and that coloured persons should have the same privileges as whites. Mr. W. H. Needham was Alderman for King's Ward, and, without doubt, was father of the amended Charter. For, until his time, this document, with "the good old practices" which it covered, was considered as sacred as the Ark of the Covenant, and was guarded by influences which defied all opposition. No man of sufficient courage could be found to make an assault upon this citadel. Mr. Needham was the David destined to slay the Goliath who swore by this Charter; and, like the valiant Israelite, he used stratagem, as well as moral force, to accomplish his purpose. The history of this

* Such as R. F. Hazen, Lachlan Donaldson, John R. Partelow, Duncan Wilmot, Henry Chubb, J. Robertson.

† After a few years, the Council finding there was a difficulty in this, had the Charter again amended, and the choice is now with the citizens.

affair, if published, would be interesting to St. John, but not to the general reader of this book.

The Charter has since been several times amended, but not materially. The appointment of the Common Clerk is now vested in the Council. The Police Magistrate and the Captain of Police are appointed by the Government. The Police system in Saint John is all but perfect—the administration of justice to petty offenders is swift, and, no doubt, impartial.

On the 2nd April the House agreed to a resolution, moved by Attorney General Wilmot, proposing a grant to the Home Government of £20,000 a year, for twenty years, and ten miles of land on each side, for the building of the Halifax and Quebec Railroad, which was carried—34 to 2. Accordingly a joint Address of the Assembly and Legislative Council was prepared and sent to England, setting forth the proposition.

On the 3rd April the House went into Committee on the salary of the Surveyor General, and the several despatches and documents connected therewith, which led to a very considerable discussion. In 1847 Mr. Baillie petitioned the House, praying that the subject of his salary might be investigated, contending that his bargain with the Home Government was for £1,200 sterling a year instead of £1,200 currency, which he was then receiving. The difference between the sterling and currency had for years previous to this been the subject of correspondence between Mr. Baillie and the Government here, on the one part, and the Colonial Office on the other; but it seems that no ultimate decision had been arrived at by the Government, and thus situated, Mr. Baillie petitioned the House as above stated. The result of this application was the appointment of a Select Committee to examine into the facts of the case, and report. That Committee, after much investigation, reported (just previous to the House being prorogued at St. John,) in favor of Mr. Baillie—deciding (according to the evidence before them) that the salary of Mr. Baillie was to have been paid in sterling, and not currency. Owing to the hurry incident upon the breaking up of the Session, the House took no action upon that report—merely receiving it *pro forma*. This

report was transmitted in due form to the Colonial Office, as the decision of the Assembly in the case; and a despatch was received in answer from Earl Grey, stating that as such was the decision of the Assembly he had no wish to interfere. Upon the receipt of this despatch the late Government made an order to allow Mr. Baillie his back pay—amounting to some £1700 currency. Since the formation of the present Government several despatches had been discovered which threw new light upon the question of sterling and currency, which despatches were in the possession of the late Government previous to the appointment of the Select Committee; but which were not forthcoming, although all the papers bearing upon the question were called for by address of the House. These documents were now read, and formed the subject of some very severe animadversions upon the conduct of the late Government, of which Mr. Baillie was at that time a member. Mr. Taylor opened the discussion, and submitted two resolutions upon the subject. The first goes to say that Mr. Baillie be called upon to refund to the Province the amount overpaid that gentleman by the late Government in allowing him his back pay. The second resolution declares that the salary of Mr. Baillie shall henceforth be paid in currency and not in sterling. These resolutions were adopted by the House without a division.

On the same day the House passed a Bill for the improvement of Agriculture, which had been prepared and reported upon by the Chairman of the Committee on Agriculture, Hon. L. A. Wilmot. The object of this Bill was to give additional encouragement for the formation and support of Agricultural Societies. It also provided, that whenever a Society subscribed and paid £25, they should be entitled to three times that amount from the Province, instead of double as formerly; but contained a proviso that no one County should be entitled to more than £150 a year, and that all the Province money should be expended on premiums on agricultural stock, produce, and domestic manufactures. There was also a section providing for the payment of a Teacher for one Agricultural School, at a salary of £150 a year, when it should be certified that such a Teacher has had an average attendance of twenty scholars for one whole

year, and that the inhabitants of the district had subscribed and paid £25 additional for the support of the Teacher.—This Bill met with but little opposition, and appeared to be considered a good measure by the agricultural members.

On the 7th, the House was all day occupied in Supply. The total amount granted (including Legislative expenses) was about £62,000—this in addition to sums annually allowable by law, amounting to about £46,000—altogether over £100,000.

On the 9th, the House went into Committee on a Bill to give an additional quantity of Crown Lands to the St. Andrew's Railway Company, which, after some discussion, was passed. This Bill was to give the Company all the ungranted lands within five miles of the line, whenever the Railway was completed, and 10,000 acres of the said lands to be made available to the Company as every £10,000 successively was expended. The House next went into Committee and passed a Bill for the relief of insolvent debtors. This Bill was to the following effect:—A person owing £100, or upwards, might apply to the Master of the Rolls, on oath, the application being accompanied by a certificate from his creditors, representing not less than one fourth of the debt; a general meeting of the creditors was then to be called by the Master of the Rolls, at which a compromise could be entered into, provided four fifths of the creditors agreed. If no compromise was effected, the debtor, upon surrendering all his effects, got his discharge.

On the 10th April, the St. John and Shediac Railway question was revived. The public indignation meeting held in St. John (and other parts of the Province) produced a wonderful effect upon the nerves of hon. members. Mr. Ritchie moved a resolution in substance, that as the House had granted facilities for the building of the Intercolonial Railroad, and as that road would merely pass through the Province, and be productive of very little advantage to the general interests, unless it were connected with some shipping port to which free access could be had at all seasons, it was absolutely necessary that encouragement should be given for the construction of the St. John and Shediac road, as a branch to connect with the Intercolonial line. After a

lengthy discussion, the resolution was carried—19 to 12—also a Bill granting facilities for carrying on the work—viz: that the Province should guarantee six per cent. on £300,000; that £150,000 of the stock should be taken by private subscription, and the other £150,000 by the Province. This waif cast upon the political waters, was like an olive branch to the people of St. John, whose only hope of refuge was in the commencement of the Railroad. The subjoined extract from one of the newspapers of the day, will amusingly explain the satisfaction afforded:—

"Never since the day when the news reached England, of Buonaparte's defeat at Waterloo, has there been such an excitement created among a people, as that caused by the intelligence from Fredericton, by Wednesday morning's mail, relative to the success of the Shediac project in the House of Assembly. The countenance of every man in the street was suddenly illuminated by a smile—some who had not been known to smile in twenty years, looked the picture of happiness and contentment on this occasion. Had the gold of California, by the magic of an Alladin lamp, been thrown into the City, it could not have produced a finer sedative. The despondency which had hung over us, like a great black cloud, was dispelled like the mist of the morning by the rising sun. The merchant closed his ledger, the mechanic dropped his tools, and the intending emigrant suddenly paused in his packing-up process—and all ran out into the streets, to gather from the news-mongers, who infested the corners and the side walks, the joyful intelligence, which is to restore trade, and animate the Province once more into life-like energy. The spirit of enterprise first kindled in the Courier Office—and our venerable friend, Chubb, was guilty, for the first time in ten years, of *perpetrating an Extra*, which was circulated among the cits, gratis. The Morning News extra appeared shortly afterwards, with fuller particulars. 'Well, they are not so bad after all,' said one person—meaning the House of Assembly. 'I knew they would do something,' said another. 'I told you that Woodward, Wilmot, and Ansley, would come out straight in the long run,' said a third. 'There's nothing like public meetings,' said a fourth. And even those worthies who have all along been pouring cold water on the Shediac Railway, as a thing that could never pay, threw up their caps and shouted out—'well, after all, there is nothing like opposition, for had there not been opposition in the City to the railway the thing would never have been carried—members came round out of sheer stubbornness.'"

But all these hopes and prospects were again doomed to disappointment; every thing once more was to be dashed to the ground, and another wail of despair go up from anguished bosoms. However amusing the story may read at the present day, at that time it was—no joke. The measure was taken to the Council, and after a lengthy discussion thrown out, 12 to 4, the Hon. Charles Simonds leading up the opposition. This put a quietus to the Railroad for another year; and the question of *elective Legislative Councils* took its place—the affirmative being maintained by all who thought any thing of Railroads—while the negative side was upheld by the anti-railroad men—a very small minority in the community. Had the question been submitted to the people at that moment, the decision in favor of the elective principle would have been four to one; and every "non-content" would soon afterwards have lost his head in the ballot box.

On the same day despatches from the Colonial Secretary (Earl Grey) were under consideration—one of these prohibited the Provincial Government from granting bounties for the encouragement of particular branches of industry, and was animadverted upon by members all round with considerable temper. It was thought to be bad enough for the British Government to destroy our timber business by the removal of discriminating duties in the English markets; and it was an aggravation of the offence, to dictate to the Colonies what they should or should not do in support of their own interests. A resolution was finally passed for an Address to Her Majesty, pointing out the injustice of the edict.

On the 14th April the Legislature was prorogued.

(1850.)

CHAPTER XXIV.

Great discontentment in the Province — Anti-English feelings aroused — More attention by the People to local Politics — His Excellency's opening Speech — Liberal in promises — Complaints against the Government for not originating Measures — Attorney General defends the Government — Repeal of the Navigation Laws — Wrangle between the Free Traders and Protectionists — Petitions from Orange Lodges for Acts of Incorporation — Opinions of Members upon the subject — The late Mark Varley, Esq. — The "Varley School," St. John — Motion for the issue of Treasury Notes.

The House was called together on the 7th February. During the recess, a feeling, not altogether British, seemed to spread all over the Province, especially in St. John. The great dissatisfaction occasioned to our Merchants, by the repeal of the Navigation Laws, which placed the foreigner on a footing with our own people in British ports, and in unfair rivalry with our own shippers and ship-owners in our own immediate waters, was every where marked, and talked of without dissemblance. The danger, which after all turned out to be more illusory than real, seemed at the time to be sufficiently imminent to warrant the use of language, which, in a loyal people, under circumstances less provocative, could not have been thought of. Nor was the expression of discontentment confined to a class, which was formerly styled "croakers;" but participated in by the staid, solid, and sober members of the community, always famous for their Conser-

vatism and strong attachment to every thing English. At heart, of course, there was no desire for a severance of the connection with the mother country. The language spoken was but the effervescence of the moment. It was owing to the poverty of the times. It was but natural that men should feel, when they found their best interests imperilled by the action of British Statesmen, and express themselves in terms not to be misunderstood. It was complained, in the first place, that in repealing the Navigation Laws, the foreigner was enabled to come to St. John with his vessel, and carry off the freight, at a cost so low, that our own ship-owners could not exist in the business. In the second place, American vessels could coast from one Port in the Colonies to another, even run steamers on our Rivers, and destroy what little trade we had in this way. What tended to the aggravation was, that all these advantages were conferred upon the United States by the repeal of the Navigation Laws, without any equivalent being made in return. Had our neighbours reciprocated in the same spirit, our Merchants would have been satisfied. The conduct of England, therefore, seemed to them like an attempt to propitiate the foreigner at the expense of her Colonies—or, to place the latter at a disadvantage, without that parental regard for their interests which they considered was their due; for it was certainly unfair to place a young and poor country in competition with a rich and powerful neighbour like the United States. Associations were formed in St. John, and other parts of the Province, some in favour of one thing, and some another—but all sufficiently plain in their resolutions to indicate that the feelings of the times were any thing but calm, or as loyal as the most ultra Conservative could have desired.

There was also much political discontentment during the recess, growing out of the failure of the Railway Bills of the previous Session. What, with the suspected destruction of our trade operations, occasioned by Parliamentary action on the one side, and on the other the obstructive course of our own Legislators, in regard to local public works, to keep our people in employment, there was enough mortification experienced to make every body feel desperate, and begin to imagine that the time had really come—"to take up arms against a sea of troubles, and by opposing end them."

Then, the extravagance of the House of Assembly formed another count in the Political Indictment. By means of pinching poverty, a man is thrown upon his wits for the relief of his necessities. In the same way the country was aroused from its lethargy during these thoughtful times, and led to examine the chief cause of the extravagance, and suggest the remedy. People, hitherto obstructive, now began to see that those who advocated "the initiation" principle stood upon solid ground, and joined with the agitators in demanding a change. It will be seen, then, that the Government, finding the spirit of the country fully aroused, endeavoured, during the Session of 1850, to shape matters in order to have the object brought about; and thus, by obtaining the right to initiate, be prepared to assume the responsibility required. Accordingly, in his opening Speech to the Legislature, His Excellency referred to the subject.

The Speech was perhaps the longest ever delivered from "the Throne" in New Brunswick. It occupied, when printed, no less than two columns of a newspaper.

After noticing the death of the Queen Dowager, (Adelaide,) His Excellency remarks:—

"A most important change has taken place in the Navigation Laws of the Mother Country—a change which cannot fail to interest this Colony. I know that fears have been entertained by many persons as to the effect of this alteration on the trade of New Brunswick. I may be sanguine, but I confidently hope that these fears will prove groundless; and that the advantages for ship building, enjoyed by this Province, will enable us to compete with any nation, whilst the removal of restrictions on the cargoes of British ships in foreign ports, will create an increased demand for those vessels, which form one of our staple exports.

* * * * * * * *

"An able Report by Mr. Wilkinson, on the Railway between Shediac and St. John, will also be laid before you, and I shall be glad to find that any steps may be taken to promote so important an undertaking, consistently with the Financial resources of the Province.

* * * * * * * *

"I cannot conclude this Speech without expressing to you distinctly my own convictions on one or two Constitutional matters of the highest importance.

"I believe, in the first place, that it is most desirable to define more accurately the responsibility attaching to the

initiation of money votes. This can only be done by throwing such responsibility on the Executive Government.

"The undisputed right to originate money votes is vested in the House of Assembly; and the members of the Executive Council, it is now understood, practically retain their seats only so long as they are presumed to enjoy the confidence of the people, expressed in the Legislature.

* * * * * * * *

"It implies no mistrust of the people or the Legislature of this Province to advocate principles and measures, practically a part of the Constitution of England, and of the Constitution of other Colonies, where free and Responsible Government is acknowledged as completely as in New Brunswick."

Here was a great measure prominently recognized, which, if carried in the House, would prove to be a check upon reckless expenditure of the revenues. The Responsible principle, however, in other respects, was still capable of more expansion than His Excellency seemed to suspect; for without party Government in its full operation, the effective working of the machinery must continue for a time longer to be unsatisfactory.

Although His Excellency's Speech referred to several matters of importance, it contained no promise that measures would be initiated by the Government for carrying out the objects. Without measures, it was contended by the opposition, there could be no Responsible Government—without measures the existing Government might hold their places for life. It was nothing but a change of men, an admixture of the old Conservative and Liberal ingredients, without evincing any signs of progression, or the least improvement upon the system, which those leading Liberals in the Executive had served the whole of their political lives in condemning. How were a Government to prove themselves worthy of the confidence of the House and the country, without exhibiting before the Legislature the fruits of their talents and industry? They could only be judged by their acts. If they originated nothing, they were no more responsible to the people than any of their predecessors, whose whole lives had been spent in doing nothing—for the public good—in an English Constitutional way.

When the Address in answer to His Excellency's Speech came before the House, the debate took a wide range—the

whole ground of the British Constitution was travelled over, and every flower carefully culled, by Conservatives as well as Liberals, and held up for the admiration of the House, as if "British practice" had been indigenous to our political soil, and only required proper cultivation to give it the right bloom. It was remarkable how easily the interests of politicians, who had always opposed the introduction of Responsible Government into New Brunswick, could be made to yield to the necessities of the hour, and suddenly they could discover wherein the Government had failed to meet the general expectations. And it was no less remarkable, how forgetful were those who had always clamoured for Government measures, as the great panacea for our political ills, when the time came for them to put their declarations into practice.

Mr. J. A. Street bore down upon the Government for not promising to take the lead in the great and good measures suggested by His Excellency. Instead of leading the way, they were only feeling the way—unwilling to risk their offices, unless they thought there was a certainty of not losing them. The Speech alluded to Professor Johnston's Report as most valuable; but there was not a word as to what way the suggestions of this Report (after the great expense to the Province) should be utilized—the same with regard to our Coal Fields—Mr. Wilkinson's Report on the Shediac Railroad—Mr. Perley's Report on the Fisheries—the School Law, &c. &c. He considered it was the duty of the Government to initiate measures in regard to all these matters, and that they were derelict in their duty in not doing so.

Mr. Ritchie was also severe upon the Government for their supineness. It was their bounden duty, he thought, to prepare the way and give the House the benefit of their abilities —not as to how they should hold on to their offices, but in a manner to prove to the country that they were deserving of the positions they occupied. He thought their whole object was to get the House to make a pavement for them to walk over, and after finding their footing pretty secure, to step out with boldness in the right direction. He was glad, however, that the speech alluded favorably to the Shediac Railroad. True, it was nothing but an expression of good-

will ; but it was well to get even that, considering that there was one gentleman in the Government now (alluding to Mr. Fisher) who had always done his utmost to defeat this project.

Mr. Attorney General Wilmot said that it was unfair on the part of those gentlemen who had talked so loudly against the Government, charging them with remissness for not preparing measures in accordance with the suggestions of the speech, since it was the intention of himself and colleagues to do these very things. Mr. Wilmot said, furthermore, that when a subject was brought forward in the Speech it might be taken for granted that the Government meant more than mere words, and that they should act accordingly at the right time. This explanation was so far satisfactory ; some of the intended measures were alluded to by Mr. Wilmot. If they were reduced to practice, however, as the Session proceeded, the reader will have an opportunity of judging ; for such an unprecedented thing as a *Government measure* in those days, will deserve a most special reference. It will be seen, said Mr. Wilmot, that the Government had not been idle, when he had submitted a Bill to the House, for the consolidation of the Laws relating to Town and Parish Officers—a measure that involved a large amount of time and labour. He considered, too, that the time had arrived when a consolidation of the Laws had become imperative.

The Repeal of the Navigation Laws by the British Government, (alluded to in the Speech,) furnished the Free Traders and Protectionists in the House a good opportunity to "ventilate" their peculiar doctrines. Mr. Woodward, the great apostle of the former school, seemed almost alone in support of the English policy. Without possessing more prescience than those with whom he differed, time and experience have since proved that his views have turned out to be singularly correct ; for, notwithstanding the gloomy forebodings of those who supported the old Navigation Laws, their repeal, it is believed, has been productive of more good than injury to the Colonies—although of course this remark does not apply to the *injustice* of foreigners in not reciprocating.

A large majority of the House concurred in the advisability of sending an Address to Her Majesty, expressive of the

fears of the people of this Province, in consequence of the repeal of the Navigation Laws.

That part of the speech referring to the "Initiation of Money Grants" being transferred from the House to the Government, elicited a distinct and unequivocal expression of opinion all round the desks. The Attorney General was willing that the Government should assume the responsibility; but as the House were then in possession of the right to "initiate," it was for that body to make the first move for the transfer. If willing to surrender their rights the Government would accept of the authority. Mr. Brown was opposed to the "surrender," until the constituency could be consulted. He was aware that there was a great deal said about the corruption of bye-road appropriations. The gentlemen of the Press particularly did all that they could to persuade the country that these grants were used for electioneering purposes, but they were entirely mistaken. The members from each County did nothing more than recommend those whom they thought fit and proper persons to expend those grants; and he could see no plan by which the Government could get more or better information on these points than from the members of the Assembly. He would never consent to give up the initiation until he first knew what the Government wanted to do with the money. The Attorney General, in speaking of the defects of the existing system, said that he was prepared to shew that the £1300 granted for the road service to the County of Charlotte, and the £1000 granted to the County of York, could be more advantageously expended under some general and more wholesome system to be agreed upon. Mr. Boyd advocated the surrender of the "Initiation." He said he had seen sums of money expended under the control of those who paid the taxes directly, and was satisfied that £80 would go farther under better management, than £100 at present. Dr. Thomson would not surrender the right of the House to initiate all money orders.

On the 19th February Mr. Earle presented several Petitions numerously signed, praying for an Act for the incorporation of Loyal Orange Lodges in this Province, in connexion with the Grand Orange Lodge of Canada. The discussion upon

the reception of these Petitions threw the whole House into a furnace heat. Sectarianism ran rampant for several hours. Like the Temperance organization which, in a few years afterwards, was destined to play such an important role in election matters, Provincial and Municipal, the Orange Societies, no matter what their object, were now considered to be too formidable in numbers to reject their petitions, even if members were not ready to acquiesce in their prayers. It was therefore that this appeal to the House put every member to his trumps. Those who represented large Catholic Constituencies could afford to vituperate against "secret societies." Those who represented Catholic and Protestant Constituencies, about equally balanced in numbers, spoke all round the subject, without committing themselves to either side. Those who derived their powers from essentially Protestant constituencies, like the introducer of the petitions, felt that they had a special right to grant every thing that an Orangeman might desire.*

On the 28th, on motion of Mr. Ritchie, the House went into Committee of the whole on a Bill to settle certain doubts raised under the last Will and Testament of Mark Varley, late of St. John, with reference to certain devisees therein contained, "to the Trustees of the Wesleyan Methodist Church in the City of St. John, for the establishment and maintenance of a Day School," and to make more effectual provision for carrying out the charitable intentions of the Testator with as little delay as possible.

It would appear that Legislative action was necessary, in order that the money might be placed in the right hands, for carrying out the wishes of the Testator, and that no difficulties should arise thereafter between parties who might feel that they respectively had the right, under the will, to make the expenditures. At all events, there was nothing important in the matter requiring a detailed explanation here. The object in noticing it at all, is with a view of placing on record, in this form, the noble conduct of the deceased in

* As it has been the writer's endeavour throughout to avoid introducing matter calculated to arouse unpleasant feelings, especially since those old feuds are all but forgotten, he passes over the arguments made use of on both sides in this debate; but if the political student is anxious in the matter, he will find the debate reported in the Fredericton Head Quarters, February 23rd, 1850. The Bill of Incorporation was finally thrown out.

having devised the large sum of £3,000 for such a purpose. Mr. Varley's name will stand out for all time in the history of St. John, as one of its noble benefactors.*

On motion of Mr. R. D. Wilmot, the House went into Committee of the whole on a Bill to authorize the issue of Treasury Notes to the amount of £50,000.† This led to an animated discussion. The want of a sufficient circulating medium, for the advancement of our industrial interests, was argued in advocacy of the measure. The real estate of the country, it was said, was ample to warrant an emission of paper money to a certain amount, without risk of inflating the currency, or leading to a depreciation of the new issue. It was credit that was required in a new country to facilitate the development of our resources, and this was a species of credit which might be employed without detriment to any one, and with the probability of great advantage to all. In opposition, it was remarked, that the issue of Treasury Notes would tend to increase the debt of the Province, by encouraging extravagant appropriations. If such paper were forced into circulation, it must displace an equal amount of Bank paper, which was based upon the solid metals. The only reason why the Banks restricted their issues, was the drain made upon them for specie, to pay for breadstuffs, &c., imported from the United States. Were it not for this drain of specie, there could be no question that Bank paper would be issued to any amount which could be profitably employed in the country; but while this drain continued, it would be improbable that Treasury, or any other kind of Notes, not based upon specie, could maintain the value which they purported to represent. They must fall to a discount, because they could not answer the purpose for which money was required to be sent out of the country. In short, (it was argued,) that any issue not based upon gold and silver, would result in depreciation, and very probably be most useless at a time when it was most desirable it should maintain its value. Mr. Steeves saw no

* The "Varley School" is now in a highly flourishing condition—it is a two story brick building, [cost £2000,] situated on the corner of Leinster and Wentworth Streets, St. John—the average number of pupils is: girls 55; boys 45.

† A similar measure has since frequently been brought before the Legislature, but invariably to be defeated.

reason why we could not issue £30,000 or £40,000 in Treasury Notes as well as the Banks. He had now to pay six per cent. interest to the Banks. This would be saved to the country. As for extravagance, he did not think any future House could be more extravagant than the present one has been during the last three or four years. He would support the Bill, because he thought it was highly essential at the present time. The Bill was finally sustained—20 to 10—without amendment—but never passed into a law; it must have been rejected in the Legislative Council, or failed in obtaining Her Majesty's assent.

CHAPTER XXV.

The Revenue Bill—Numerously signed Petitions from St. John for Protective Duties and Fishery Bounties—Petitions for repealing the Fredericton Act of Incorporation—Bounty for the cultivation of Hemp, disallowed by Earl Grey—Strong expressions of opinion against the Colonial Office—Complaints against the Government for doing nothing—Mr. Ritchie's attack—Despatch of Sir Edmund Head, comparing condition of Colonies with that of State of Maine—Contrast favorable to the latter—Resolutions of Mr. Wark against English Policy towards Colonies—Newspaper Postage—Reduction of Salaries of Post Masters—Unanimous Address of both Houses to English Government, reciting grievances—Refunding Officers' Duties on Liquors—Mr. R. D. Wilmot's Resolution for giving a Bounty to the Fisherman, Earl Grey to the contrary notwithstanding.

One of those unseemly squabbles, so peculiar to the imperfect system of preparing a Revenue Bill, broke out in the House on the 27th. A petition from St. John was presented, containing 1,231 signatures, praying the House to pass such a Revenue Bill as would afford protection to the different branches of industry in the Province—also for a bounty, as an encouragement to the prosecution of the Fisheries. The Committee on Ways and Means having previously reported to the House, the Speaker said it would be un-parliamentary to receive the Petition at that time. After a long discussion for suspending the rule, which was agreed to, the Petition was received. This opened the door for the admission of other Petitions. One, of an opposite nature, was presented from Miramichi, praying that a duty, of not more than four

per cent., should be imposed on British importations, in addition to the one per cent. already in existence. As an offset to this, another Petition was presented from the Boot and Shoe Makers of St. John, asking the House to impose protective duties on their branches of industry. Then it was complained by hon. members, that the Committee appointed to prepare the Revenue Bill was not fairly composed. Four of the members for St. John were on that Committee—it was more than half *protection* in its character. Mr. (R. D.) Wilmot said he was quite willing to have all Free Traders on the Committee, if it pleased the House. He was ready to name a day to bring in a resolution, in order to try the House on the question of Free Trade, or Protection. A disputation upon the merits of these questions, respectively, was kept up for a whole day; and not only one day, but every time an item in the Revenue Bill was proposed, the same round of weary speeches followed—a mere rehash or repetition of the old stories worried the time of the House, and at a heavy cost to the country.

Petitions were presented by Mr. Taylor, for the repeal of all Laws relating to the Corporation of Fredericton. It was complained that the Act of Incorporation had been injurious to the best interests of the people—that taxation had greatly increased, and the administration of the Laws was not equal to what it was under the old Magisterial system. Messrs. Fisher and Wilmot opposed the Petition; and one of the best evidences of the failure of the Petitioners in the accomplishment of their object is, that the *Ogre* (viewing it from the side of the opposition) still exists; but whether it deserves the character which its advocates in Mr. Taylor's time gave it, the citizens of Fredericton are the best judges. The writer, however, would here hazard an opinion in reference to City Corporations generally—viz: that they are too ponderous for steady motion. He believes that three well-paid Commissioners in St. John, and three in Fredericton, would conduct the Civic business of each place with far greater advantage, and certainly *less expense*, all things considered, to the tax payer.

A despatch was laid before the House from Earl Grey, dated December 4th, 1849, disallowing a Bill that had passed

at a previous Session, for granting bounties for the cultivation of Hemp. The following is an extract:—

"Parliament has for many years steadily persevered in a "course of policy which has had for its object, gradually, to "relieve the commerce of the Empire from restrictions, and "to abandon all attempts to direct capital and industry, by arti-"ficial means, into channels which they would not naturally "seek. In pursuance of this policy, Laws enacting such "restrictions, and imposing high duties upon imports, have "been successively repealed, and bounties, which were for-"merly granted to some extent in this country, have been "discontinued, until the trade of the Empire may now be "said to stand on the footing of being nearly free from such "interference."

His Lordship's arguments throughout the despatch were, no doubt, sound in their application to the Empire at large; but hon. members could not understand why a few acres of Hemp might not be raised in an obscure corner of the Empire, without endangering the Imperial statute, or disarranging the general policy of the Government. In those exciting times, when the Province was so strongly imbued with the notion, that our only hopes of commercial salvation lay in the readiest means of developing our resources, such rescripts as these from Earl Grey operated like vitriol poured into the wounds of a suffering patient. People out of the House, as well as members in it, spoke of this despatch in language bold and defiant. It followed so soon after the news of the repeal of the Navigation Laws, that it seemed to the "protectionists" like a determination on the part of the British Government to swamp the North American Colonies altogether—to ruin them like the West Indies, through unjust legislation, when England suddenly, and without sufficient preparation, snapt the chains, and set the captive negro free.

March 6th.—Up to this time "Bethesda" remained undisturbed by the long expected visitant, by whose agency all healing virtue was to flow, and by which benign influences were to spread throughout the land. In other words, the Government up to this date had "failed to put in their appearance," with measures calculated to relieve the public necessities. The political pool was stagnant—the breath of oppo-

sition having failed to cast a ripple upon its surface. As if by the tacit consent of both parties, hon. members agreed to remain passive, until the Government should throw down the gauntlet, and thus prepare the way for a conflict between the contending forces. No matter how good a measure might have been submitted by the Government, the temper of the opposition was such that it would have been riddled, with all the pertinacity of a Nisi Prius cross-examination—for by their measures their fitness to govern the country could only be judged. More was therefore expected by the opposition than it was in the power of the Government to satisfy—so that in order to be on the safe side, the Government resolved, that since they could not make a pretence of doing a great deal, they might just as well do nothing at all. They acted upon the principle, that if they did much or did little, they would be sure to get into difficulty, and therefore the better plan was to allow judgment to go against them by default. What tended to aggravate the complaint of the opposition was, that Messrs. Wilmot and Fisher had always been among the loudest in their demands for measures, it was said; but now, since they had become members of the Government themselves, they did not carry out their own principles; and this, the opposition contended, was either an exhibition of weakness, (they being the only two Liberals in the Government,) or a back-sliding from their former professions.* It was, however, always a standing idea with politicians, that the Province existed upon the verge of Bankruptcy whenever an obnoxious Government happened to be in power, and the opposition wished to overturn them.

Mr. Woodward said the House had now been in Session over a month, and nothing of an important nature had yet been dealt with. It was high time (he said) that something should be done with regard to the reduction of salaries. The useful time of the country was taken up with trifling affairs, when the whole Province were anxiously looking forward for measures of general interest. The question of retrenchment was of high importance, and the House would not do justice to themselves, to their constituents, and the country at large,

* The members of the Government at this time were—Hon. Messrs. Wilmot, Partelow, Hazen, Chandler, Hill, (G. S.), Fisher, Kinnear, and Rankin.

unless they recorded their opinions on this subject. He said he did not see a single Government measure yet introduced, and he thought the House would have to jog the memory of the Government, and arouse them to a sense of their duty. Mr. Ritchie said the only public measure that had yet been introduced, was the Attorney General's Consolidation Bill. The consolidation of the Laws might be all well enough, but there were many subjects, he thought, of far greater importance, which were yet untouched. Where were all the public measures embodied in the opening Speech? He said he had waited from day to day in expectation of seeing the Executive come down with something of public importance, but he had waited in vain. He had made a memorandum of the measures recommended in the opening Speech, and he could not but record his very great surprise at the inactivity evinced by the Government. There was the question of Reciprocal Free Trade with the United States; the general question of our relations with the mother country; the Agricultural measure; the Shediac Railway; the Municipal Corporation measure; the Initiation of Money votes; the Revenue Bill; the School Bill; the Road Bill; and the Coal measure. All of these subjects were of the highest importance, yet the precious money and time of the country were being expended in trifling matters. Where was the principle of reduction and economy in the public expenditure which was loudly called for throughout the length and breadth of the Province? He would call upon the members of the Government for an enunciation of what they intended to do, and to know whether they intended to allow the Session to pass over without moving in those measures of vital importance to the country.

The Attorney General (in answer to a question put by Mr. Ritchie) remarked, that with a view to effect a reduction of salaries, borne upon the Civil List, the proper course would be to proceed by Address to the Queen. Mr. Ritchie was averse to this. He said, let the House pass a Bill fixing the salaries at what they considered to be fair and equitable, and send that to England.

A great deal was said on both sides, but nothing extracted from the Government to show that they had any measures in contemplation to lay before the Assembly.

The following remarkable despatch is considered to be of sufficient importance for the room it will occupy in this place. It will explain itself:—

Extract from Despatch, No. 61, *dated June* 27, 1849, *of Sir Edmund Head to Earl Grey.*

Reform and economy are to be pursued for their own sakes —but there is nothing in the contrast between the burthen of taxation here, and in the United States, to place the British Colonist in a disadvantageous condition. There are many who will at once ask—"How then do you account for the comparative prosperity of the State of Maine? Is it not owing to the high Tariff and protecting Duties which would thus appear to be in their favour rather than against them?"

I am conscious that, in discussing this subject, I am speaking with very imperfect knowledge and information on many points; but I have little hesitation in expressing my conviction that the superior prosperity of Maine, so far as it goes, is attributable principally to two causes—

1st. Not to their protecting Duties, but to the practical enjoyment of Free Trade, notwithstanding those Duties protecting them against European competition. They have the open ports and unrestricted Coasting Trade of the whole Union at their command; and they thrive in spite of the more favoured climate and soil with which they have to contend. So far as it goes, therefore, in my opinion, their condition and that of the other States, vying and struggling with each other, and turning to the best account the advantages respectively afforded by every variety of climate, and every variety of produce, afford a practical argument in favour of free trade rather than in favour of protection.

2nd. The Township organization, and the habit of managing their own local affairs, which have generated and fostered, both in England and the New England States, habits of self-reliance and self-government.

It is in these two points, and in these alone, that the people of the State of Maine enjoy more true freedom than the people of the British Provinces.

They offer unrestricted access to the industry of the rest of the Union, and they have the benefit of an extended market for their own produce. Each man has, moreover, his own faculties and his own capacity for economical management constantly exercised in the control of the affairs of his own township. They look after their own roads, and their own schools, and exercise those Municipal rights which fit a man for sound and prudent action on a large scale, by developing his political intelligence in matters which he readily understands and appreciates.

The people of this Province, on the other hand, are shrewd and sharp enough, but they have habitually relied upon the Government for the management of their Roads and Schools, and have looked to the Executive Council or the Legislature for help in every emergency. My predecessor, Sir W. Colebrooke, clearly saw these defects, and he urged the adoption of Municipal Institutions throughout the Provinces as the appropriate remedy. The general feeling, however, then was, and I dare say, still is, adverse to any change which would throw the inhabitants more on their own resources. Public opinion may alter; and I think it my duty to state explicitly that, in my opinion, Sir W. Colebrooke's views were founded on a just appreciation of the real difficulties of the case. At any rate, let it not be supposed that these elements of real political liberty have been withheld by the influence of the Crown or its Representatives. In this, as in most other things, the true interests of the Government and of the people completely coincide.

The population of these Colonies are made up of the same materials as those of the Northern States of the American Union, and they are nowise inferior to their neighbours in native energy, shrewdness, and industry, though from a want of self-reliance, and other causes to which I have adverted, they do not always employ those qualities with equal success.

On the 18th, the House went into Committee on the state of the Province, when Mr. Wark submitted the subjoined resolutions. At this day, the strange forms which the dissatisfactions of the past occasionally assumed, will be read with interest, perhaps amusement. With the present tone of public feeling, however, we are incapable of pronouncing judgment; for what may appear to be ridiculous in 1867, was, in 1850, perfectly consistent with the public sentiment that then prevailed:—

"*Resolved*, That British Colonies having been reared up under a commercial system, by which the productions of the various parts of the Empire enjoyed natural protection in their respective markets—the abandoning of this system must check, derange, and in a great measure destroy our commerce; while the interposition of Imperial authority prohibits our entering into commercial treaties with foreign countries, or so regulating our tariff as to give what we conceive would be the most advantageous direction to our trade. We have, therefore, reason to fear, that unless timely remedy be applied, these courses, depreciating the value of property, cramping our energies, and retarding our prosperity, will

produce such feelings of dissatisfaction as must inevitably lead to a separation from the Mother Country.

"*Resolved*, That we have heretofore reposed unbounded confidence in the wisdom and justice of Imperial Legislation in all matters affecting our interests; but of late the tendency to advance the manufacturing interests of the Mother Country at the expense of Colonial interests, is so apparent as to create alarm and distrust, and to lead to the conviction that our interests are no longer secure in the hands of a Legislative power over which we can exercise no constitutional control, and that the well being of this Province requires that the powers of its Legislature should be greatly enlarged."

Mr. Wark made a lengthy speech in support of his resolutions.* He traced our Colonial progress in the lumbering and ship-building business—and showed that England's free trade policy was the ruin of her North American as well as West Indian Colonies. He said that the Colonies ought to have united years ago, and demanded of England a proper Commercial treaty. But the time had gone by to think of any such thing now. Necessity required more prompt and beneficial steps, since the foreigner is now treated in the English Markets the same as the Colonists, and with whom it was impossible for us to compete. He said our energies were in every way cramped. We were even denied the privilege of granting bounties for the raising of hemp, or catching fish. He had not read all of Earl Grey's Despatches —but had read enough of them to be convinced that we were not at liberty to employ our energies in our own way upon the best means for developing our resources. He said the Province was fast going to decay, and he thought it to be our duty to try and ward off the calamity that was besetting us on all sides. He was seriously afraid that the present pounds, shillings and pence policy of England would tend to alienate those feelings of loyalty and attachment so peculiar to the people of this Province. He had stated in one of his resolutions, that unless a timely remedy were applied, a separation must take place, and he entertained serious fears lest such would be the result. The people of this Province were still loyal; but though loyal we may be, he said, we have a patriotism for our Country; we have our offspring to provide for and our interests to subserve; and however galling it would be to

* The debate occupies upwards of fourteen columns of a newspaper.

our feelings to sever those ties that bind us to our father-land, we have still matters of paramount importance which we cannot overlook. Mr. Brown spoke in quite another strain; he did not see that any danger was to be apprehended. He said, notwithstanding the newspaper attempts to make it appear that the country was dissatisfied, he did not believe it. In fact he knew to the contrary. He said he foresaw all the changes there were to take place. He fully justified England's free trade policy, and said it would result to the advantage of these Colonies. He felt peculiar horror at the idea of Annexation. Messrs. Ritchie, R. D. Wilmot, Street, and Hon. Attorney General, followed in succession, and made long speeches. Several amendments were proposed; in fact, every speaker submitted either an amendment or a resolution.

In this discussion upon the "state of the Province," a great variety of subjects was opened up. The Post Office Department came under review. As economy was the order of the day, the salary of the Postmaster* (Mr. Howe,) was reduced from £600 to £400. The subject of newspaper postage was discussed, and its abolishment insisted upon by Mr. Barberie and others, but they were out-voted; the fixing a uniform rate of 3d. on all letters was advocated and agreed to, instead of being regulated by distances, as was then the case, in some instances amounting to a shilling on a single letter.

On the 21st, the subject of Postal matters again engaged the attention of members. Mr. Brown offered a resolution for still further reducing the salary of the Postmaster of St. John to £300; but it was not carried. Then there was an onslaught from members on all sides, upon the salaries of the different subordinate Postmasters throughout the Province. The economy of members, if judged by their language, was most rigid and exacting; although those in opposition called it parsimony. It was as unsound in principle, they said, as it was in argument, to attack the hardest worked, and worst paid officers under the Government—it was a system of cheese-paring, as they called it, which was discreditable to the House, and would, if carried into effect, prove pernicious to the postal interests of the Province. It was worthy of observation, that no member wished to disturb the salaries

* The office was not then made political.

of his own immediate Postmasters; but all doing business outside of his particular precincts, were deserving of immolation, reduced to the smallest figure possible for the subsistence of himself and dependents. The conclusion found the head of every Postmaster on his shoulders, just as it stood before the debate began.

23rd.—A Message was received from the Legislative Council, in substance, that they had agreed to the Joint Address to Her Majesty on the subject of the Navigation Laws. This document contained a recapitulation of all the grievances under which Colonial interests had for years suffered, through Imperial interference. The chief argument put forth was, that the admission of American vessels to British registration, and the privileges to them of the coasting trade, while that country refused to reciprocate, would prove destructive to Colonial shipping. As a partial remedy, the Address proposed that the coasting trade should be confined solely to New Brunswick, Canada, Nova Scotia, Prince Edward Island, and Newfoundland—or that the conveyance of goods and passengers, between the places mentioned, might be confined wholly to British vessels, until such time as the Government of the United States should permit vessels of the said possessions to a free participation in the coasting trade of that country.

This Address of course was unanimously supported; but it had no more effect upon the British Government than if it had never been written—while the United States, through their Journals, rather laughed at us, for asking to be placed on an equality, in the advantages which their much more extended sea board afforded.

26th.—A motion was made by Mr. Street, for a grant to Lieutenant Colonel Brown, 1st Royals, to reimburse him for duties paid on the importation of Wines and other Liquors for the use of the Regiment. The only important thing about this affair is the circumstance, that the amount of duties asked to be reimbursed was £198—so that the Regiment must have consumed no less than *twelve hundred pounds worth of Liquors* in a single year, according to the rates of duties then levied. The motion was carried 21 to 10.

On the same day, Mr. R. D. Wilmot brought forward his

Bill, (of nearly the same nature as one that had passed the Lower House in 1849, but rejected by the Council,) for granting bounties for the prosecution of particular branches of industry, especially the Fisheries. His object in now re-introducing it, was to test the principle, whether Earl Grey's *dictum* that the Colonies shall not spend their own money in their own way, is to be declared as the settled determination of the English Government. Protectionists and Free Traders dropped the old planks in their respective platforms, and made common cause in their objurgations against Colonial Office despotism, and in defence of Colonial rights. But two or three members ventured any opposition. The language used by all the speakers—the most Conservative as well as the most Liberal—was not that of equivocation, or minced, as in matters of local concern. Nor was even the principal Free Trader a bit less inveterate against outside interference, although the Bill itself conflicted with his peculiar economics, than the gentleman who fathered the Bill, and had stood sponsor to every child of protection that had ever been introduced into the Assembly. The Speaker himself, the very essence of loyalty, spoke earnestly and to the purpose. The leader of the Government (the Attorney General) bore down upon the Earl with an impetuosity peculiarly his own, and a rhetoric that always stood him in good stead when great Colonial questions engaged the consideration of the House. Those who had always vaunted themselves upon their fidelity to the Crown, who would have willingly submitted to the "Port Bill," or the "Stamp Act," of 1776, could see nothing in Earl Grey's administration of Colonial affairs but tyranny and oppression.*

It would not perhaps be pleasing to the survivors of that discussion to have their language reproduced at this time, and in this form, since the occasion which excited all the animus, has passed away.† No man wishes to be committed to declarations made in the heat of debate, while writhing under circumstances, whether real or imaginary, the most aggravating; for such declarations might be charged to the prejudice of his loyalty, without reference to the occasion which

* Those speeches may be found published at length in the papers of the day, the debate having taken place on the 26th March.

† It is doubtful if the repealers of Nova Scotia ever said any thing more severe, in regard to their "grievance," in their capacity as Legislators.

inspired them. It is enough to say, that no stronger language was ever used in the Parliament of New Brunswick than on the present occasion. The Bill was sustained by an overwhelming majority, and £3,000 was the sum fixed upon to be appropriated as a bounty fund for the Fishermen.* The passage of the Bill was therefore (as some would call it) a semi-rebellious act—it was a defiance of the Imperial authority—it was flying in the face of an unmistakable Colonial Office declaration.

* The Legislative Council afterwards rejected the Bill, and thus set the whole House again in an uproar.

CHAPTER XXVI.

Professor Johnston's Report—The Professor's Address to the People of St. John unfavourable to the Agricultural Resources of the Province—Errors corrected, and a highly favourable opinion given—Resolution to strike off 10,000 *copies—Scale for the Reduction of the Salaries of the Judges—The Master of the Rolls appears at the Bar of the House—Elective Legislative Council—Measure carried—Prorogation of the Legislature—His Excellency's Speech—A Mild Rebuke—Contingent Expenses of the Session—New General Election—Result favourable to the Liberal cause—Names of Members returned.*

Professor Johnston's Report on the Agricultural Capabilities of the Province, was laid before the House on the 26th March, and a discussion as to its merits followed upon a motion to publish one thousand copies. It may be here stated, that in 1849, the whole country being on the look out for something to do, had suddenly become impressed with the idea that New Brunswick was one of the greatest agricultural countries on this side of the globe; and to set the question at rest, the Government were requested to extend an invitation to Professor Johnston, (a Scotch gentleman of great scientific attainments in the walks of Agricultural Chemistry,) to come and make an exploration of the Province. On his arrival he made a cursory examination—by flying, if the remark may be used, over certain sections of the country—to spy out, as it were, the poverty of the land; for on his first appearance, in a couple of weeks afterwards, before a St. John audience, when the attention of all was wrapt, and our feelings were

ready to be swayed by the *voice* of the great Agricultural Oracle, his remarks fell like lead upon every ear; he saw nothing in his travels but barrenness; the country in this regard only differed from the Hebrides in one respect—there, trees, unless of the most scrubby character, refused to take root—while in New Brunswick, there were nothing else but trees, but not fed upon a bit better soil than that which refused nourishment in the most northern extremity of Scotland. This was not the exact language used, but it was the sense conveyed. The Professor, however, did not leave his hearers, without throwing out a few words of encouragement. If he spoke on that occasion without sufficient information, he expected to be able to rectify his mistake, should there be any, after he had prosecuted a more thorough survey, and had more substantial data to work upon, than he had up to that time been in possession of.

In less than a year after this, the Professor re-appeared before a St. John audience, altogether a *new* man, with ideas the reverse of those which he before held. His Report (which is now considered a standard) gives the Agricultural capabilities and resources of New Brunswick a character unexcelled by those of any other district in North America. His observations were based upon the Geological features of the land—a chemical analysis of the soil—the nature of the climate—and, finally, upon information gathered from prominent farmers in each of the Counties, as to the annual products of their respective farms for a series of years. Instead of New Brunswick, therefore, being a poverty stricken country, forsaken by nature, and derided by man, the reader will learn, by reference to Professor Johnston's Report, that he inhabits a land upon which the bounties of Heaven have been unsparingly lavished, and it only requires well directed skill and industry to render every one of its inhabitants prosperous and contented.

This Report, and the Professor's services, cost the Province over £1,000. Whether they have been of benefit commensurate with the expenditure, is a question which the reader himself may judge. Certainly our Agricultural developments are far from what they should be. In seventeen years after Professor Johnston's visit, we are still largely

dependent upon the neighbouring Colonies for supplies of the very stuffs which the Report represented our soil was most capable of producing—oats, potatoes, &c. Wheat is out of the question. Scarcely any of it is raised in the Province. Nor have the material interests of the Province, in other pursuits, been advanced as might have been supposed, by the diversion of labour from the farm to the work shop. Ship building and timber getting have gone on at the same steady average pace—if any thing with less profit than in former years. In a word, farming continues to be a subsidiary business, now as heretofore. The motion for publishing 1,000 copies of Professor Johnston's Report was carried. One hon. gentleman wished 10,000 to be struck off for circulation in England as well as in this Province. An extract from his speech will exhibit the state of feeling in the House in regard to this Report:—

"It was worthy of remark (said the hon. gentleman) that among all the Bankrupts in the Province, not a single instance of a Bankrupt Farmer was to be found. Among all those Bankrupt speculations, the sober, honest and industrious farmer had manfully stood his ground. From the well known abilities and character of Professor Johnston, no one could for a moment doubt the accuracy of the Report. He had read it, and he felt really delighted with it. It has been said that the climate was too cold, and that the soil was unfit for cultivation. But the fact is, we have been labouring in the dark, and we have never known the capabilities of our country. Professor Johnston is a gentleman of high scientific attainments, and he has come to certain conclusions, and these conclusions are entitled to every credit, and well worthy the serious consideration of the Legislature. If the House would not agree to print 10,000 copies of the Report it would be done by subscription; and he was one that was quite willing to subscribe. The circulation of the Report ought not to be confined to this country. It should be sent to all parts of Britain and Ireland. The valuable information it contained would give people on the other side of the water a more correct idea of the agricultural resources of this Province, and induce a respectable and useful class of emigrants to settle amongst us. Professor Johnston's abilities were well known in the United States, and the Report would have a large circulation there.—The address delivered in St, John had already circulated widely, and it has had a good effect. A person from Wisconsin has purchased about 800 acres of land at Tynemouth, near St. John, and paid a pound an acre

for it. This was one effect of Professor Johnston's Lecture in St. John, and it goes to show what credit is attached to the Professor's abilities."

The Attorney General submitted the following resolution:

"*Resolved*, As the opinion of this Committee, that it is expedient that the following reductions should be made in the Salaries now charged upon the Civil List, and that one half of such reductions should take place on the 1st day of January, 1851, and the remainder on the 1st day of January, 1852—viz:

Chief Justice, present salary,	£1096	3	0	
Proposed reduction,	396	3	0	—£700
Three Judges, joint salaries,	2250	0	0	
Proposed reduction,	450	0	0	—1800
Surveyor General, present salary,	1384	12	4	
Proposed reduction,	784	12	4	— 600

To this Mr. Gilbert proposed an amendment, for fixing the Governor's salary at £1,000; and for further reducing Mr. Wilmot's scale. He also included other officials, not referred to in the above resolution.* A long debate followed the reading of the Attorney General's resolution, which was continued from day to day. The pith and marrow of the whole are contained in the following synopsis of the speech of the mover, which occupied a dozen columns of ordinary size newspaper print. The hon. gentleman went lengthily into detail on the Civil List and other particulars from the year 1836 down to 1850. He said we were told that we had the control of our own affairs, and if that meant any thing, it meant that we could manage all our internal matters. In 1843 and 1845 despatches came out, to the effect that the local Legislature could not alter the salaries of the Judges during their lives; but when he read the speech of Lord John Russel, so often referred to during the Session, he found that the restrictions on which he acted last year were entirely removed. Then, he said, he could not advise the Governor to give his assent to the Bill to reduce the salaries of the present Judges; but now he considered the case quite different. If the doctrine enunciated in the speech of Lord John Russel meant that the local Legislature had got the control in one department it must have the control in all. Could the Colonial Minister say, 'you have the control of

* The amendment was negatived.

all your local affairs; but I will manage the Civil List—you have the privilege of managing all your affairs, but I will not allow you to meddle with the salaries.' He felt that by yielding up the control of their own affairs into the hands of the local Legislatures, was the only means by which England could keep her Colonies, as the Colonies seemed determined not to submit to the dictation of the Colonial Minister in local matters. It might be said that to meddle with the Civil List was a breach of faith, and that to do what we choose with the £14,500 on the Civil List, was an undue interference; but what could we say to England? This we could say: "you have broken faith with us—you have drawn your protection from us." But why has England done so? Because the majority of the people demanded it, and we must, following the example, act in accordance with the wants of the majority in this Province. Up to the 31st December last, (said Mr. Wilmot,) there was an overplus of £12,295 which had accumulated from the Civil List passed in 1837. This money was doing no good, and he would move that it be paid into the hands of the Colonial Treasurer, to be applied to the development of our internal resources. That money was not the Queen's; it was our own, and we had a right to use it as our own, and to apply it in such a manner as we thought proper. He would vote for the salaries of the Judges proposed last year; but he was not willing to reduce them all at once. He would propose to make half the reduction in the salary of the Chief Justice on the first of January 1851, and the other half on the first of January 1852, and in a similar manner with the other Judges. This would give them an opportunity of holding or giving up their offices as they thought proper. He would next commence with the Surveyor General. If there was an overpaid officer in the Province it was the Surveyor General. He received from the Revenue the enormous sum of £1,384 per annum. This was what the office of Surveyor General had cost the Province. He (Mr. W.) would reduce that officer's salary to £600. Some hon. members might think that was not a sufficient reduction; but it was necessary that the office should be a political one; and it was also proper that the Surveyor General should be Surveyor of all

the Great Roads as well as of lands. He thought the office of Receiver General might be abolished, and the money paid into one of the Banks. He would propose that the salary of the Lieutenant Governor be fixed at £1,500. He would submit a resolution, and it would be for the House to decide what amount the Revenue of the Province could afford the Governor. He would not like to see the salary of the present Governor reduced. He had been in the Province some time, and his stay here was limited; but if the House wished to reduce the salary at present, that was a matter for their consideration. Sir Robert Peel had said that all Colonial Governors should be paid from the Imperial Treasury, and if the Home Government choose to pay the Governor of this Province more, they might do so; but he (the Attorney General) thought that £1,500 was as much as the Province could pay. So far as his own salary was concerned, he would allow the Committee to deal with it as they saw fit. He did not know that he would hold the office another year; and as the office was liable to change, he could speak somewhat disinterestedly in the matter. He thought from the duty that devolved upon the office which he had the honor to hold, and if that duty was properly performed, that £600 was no more than a remunerative salary.

In opposition to this view, several speeches were made, but the resolution was finally sustained by a very large majority. The Master of the Rolls expressed a wish to be heard at the bar of the House in reference to his salary, which was granted, and a day was appointed for the purpose, when that gentleman appeared and addressed the House in a speech of two hours' length, protesting against the proposed action of the House in interfering with the salary connected with his office, which would, if carried out, be a violation of faith on the part of this Province towards the British Government, since we had entered into a compact to allow £14,500 for a Civil List Fund, in lieu of the surrender of the Casual and Territorial Revenues over to Provincial control.

On the 22nd, the House went into Committee on a Bill introduced by Dr. Earle, of King's, *for making the Legislative Council Elective*. It was a peculiar feature in the ultra Con-

servative feelings of the times, to resist any thing in the shape of radicalism. Failing in their opposition, extreme men would sometimes suddenly veer round and become more sweeping than those in whose general principles they had always detected revolutionary tendencies. The measure now under consideration was an instance of these political vagaries, for the mover of it had always ranked, of course conscientiously, with the anti-Reformers in the Assembly. The arguments used in support of the Bill may be summed up in a few words. The Legislative Council, it was said, as at present constituted, did not represent the varied interests of the people. The members were selected from a few localities to the prejudice of three fourths of the people. Five members of the present Legislative Council belonged to York County, four to St. John, and four to Westmorland, making thirteen from three Counties out of the nineteen who composed the Council. King's had not been represented in the Council since the death of the Hon. George Hazen. Kent was an old County, yet it had no representative in the second Branch. Gloucester, Restigouche, Queen's, and Carleton, had none, and Sunbury only very lately got one. Such a distribution was partial, unjust and unsatisfactory to the public. An Elective Legislative Council, with increased qualifications and franchise, would remedy these evils. The plan was that the members be elected to hold seats six years, one third to go out every two years; and not subject to be dissolved by the Government. By this system the Legislative Council would form a Conservative body between the Government and the Lower House. It would place that Branch in an independent position, and give them a respectable bearing.

When the question was taken there were only five who voted in opposition. The Conservatism of the House, which had hitherto been famous for its strong British attachments, suddenly flew in an opposite direction, and sided with a fundamental principle of Republicanism. But more than this: the complaint against the one-sided composition of the Council, sustained by perhaps all the Conservatives in the House, was a condemnation of that very system of Government which the Conservatives themselves thought was perfect, and

against which those who had always agitated, were declared to be all but disloyal to the Crown. If the Legislative Council did not represent the varied sections and interests as now complained of by the Conservatives, the blame surely did not attach to the Reformers. If it was one sided, uneven handed justice, that had been dispensed in the second Branch, the honour was due to a Conservative Government, and to the large Conservative majority who had always sustained that Government.

An Address based upon the Bill was afterwards drawn up, submitted to the House, and forwarded to the Colonial Office.*

On the 26th, the Legislature was prorogued. His Excellency's Speech was brief but trenchant. As an example—"I trust that the lateness of the period to which you have "been detained by your Legislative duties will not *interfere* "*seriously with your private affairs*, and I entertain no doubt "that the Province will *properly appreciate the services which* "*you have rendered the public* during the present Session."

Perhaps nothing could better convey an idea of His Excellency's public character than this paragraph, which means all that it contains, and a little more. As it is probable that some further notice will be taken in this book of His Excellency, on the eve of his departure from the Province, in a future Chapter, it will be unnecessary to say more at present than make a note of the inuendo which the above paragraph appears to convey.

The contingent expenses of the Session amounted to nearly £2,000. The postage charges of some of the members were, severally, £12, £14, and even as high as £17 and £18. Among the items was £8 15s. for propping up a bush that had blown down in Government House gardens—altogether the expenses of this building for sundry repairs, &c. for the year, amounted to £557. The pay of the Commissioner, (James Taylor, Esq.) for looking after Government House, was £150 a year.

The term of the House having expired, a general election came on in the month of June. The following are the

* This Act in due time received Her Majesty's assent—so that if we now have not elective Legislative Councils in New Brunswick, it is not the fault of the British Government.

names of the candidates and their proposers and seconders for the City and County of St. John :—

FOR THE COUNTY OF ST. JOHN.

John Jordan, proposed by H. T. Gilbert, Esq.

John R. Partelow, proposed by Thomas Leavitt, and seconded by William Parks.

W. J. Ritchie, proposed by F. A. Wiggins, and seconded by William A. Robertson.

R. D. Wilmot, proposed by Walker Tisdale, and seconded by L. H. DeVeber.

Charles Simonds, proposed by James White, late Sheriff.

John H. Gray, proposed by L. H. DeVeber, and seconded by Walker Tisdale.

Charles Watters, proposed by James Gallagher, and seconded by William O. Smith.

FOR THE CITY OF ST. JOHN.

Isaac Woodward, proposed by F. A. Wiggins, seconded by L. H. DeVeber.

Barzilla Ansley, proposed by S. K. Foster, seconded by David S. Marshall.

Samuel L. Tilley, proposed by L. H. DeVeber, seconded by N. S. Demill.

William H. Needham, proposed by James White, seconded by Thomas Harding.

On the 15th, the different candidates addressed the people from the Court House steps—the day was fine and the gathering large. The burthen of the speeches was: *Reform and Progress*—such as Municipal Corporations—the Initiation of the Money Grants—Retrenchment in the Expenditures—Reduction of Official Salaries—Protection—Bounties—No Downing Street Dictation—Elective Councils—Reciprocal Trade with the United States—Railroads, (the Shediac line in particular.) In short, the candidates appeared to be alive to all the important subjects of the day; and had their speeches been taken as an evidence of their abilities and honesty, St. John had never a finer opportunity of having our Provincial resources developed, and the Augean Stable cleansed; and simply by assuming the right and enforcing it, of returning every gentleman who had so patriotically

declared himself. But on the other hand, it was pretty generally understood that a candidate upon the hustings, and a member in the House, were not precisely the same individual, but rather a hybrid between the two.

The following gentlemen were elected—Messrs. Tilley and Needham for the City. Messrs. Simonds, Ritchie, Wilmot, and Gray, for the County—an out and out Reform Ticket, or rather the Ticket of the Reformers. Mr. Partelow, whose name had been a household word, and whose political influence hitherto had been unbounded—was, for the first time in twenty three years, rejected by a constituency who had always looked up to him as their idol. There was great rejoicing among the Reformers at the result. The back bone of the "Coalition" was now broken*—for Mr. Partelow was considered to be the Premier, and everything good or bad in the Government was said to have sprung from him. Other parts of the Province likewise encouraged the hopes of the Liberals. "Good news" was looked for by every mail. The electric wire had not yet begun to flash its burning words from place to place. York gave the Attorney General the last place upon the poll—while Mr. Fisher, another member of the Government, was left out altogether. Messrs. Hatheway and Pickard were elected in opposition to the Government. Another remarkable feature in these elections, was the rejection, by the County of Kent, of the late Speaker, Mr. Weldon, for whom the gauntlet of defiance had been thrown down to Mr. Wilmot four years before, by Mr. Partelow, as a trial of strength in regard to Responsible Government. Neither could Mr. End's strong subserviency to Conservatism save him in Gloucester; nor Mr. Brown's plodding perseverance in some good measures, and acquiescence in others not quite up to the reform standard of the times, prolong his seat for Charlotte. Indeed, it may be justly said, that every substantial prop and pillar was unceremoniously knocked out of the old House. Surely the newspapers must have done yeoman's service in the Liberal cause, to account for these great changes in public sentiment since the previous general elections!

* Not so! Mr. Partelow, as soon as he found himself thrown overboard in St. John, struck out for Victoria, a County that had been set apart, fortunately for him, only the year before, and was taken up by that constituency, and elected.

The following are the returns for the whole Province—the names marked with an asterisk are those of new members :—

YORK.
James Taylor,
*George L. Hatheway,
*Thomas Pickard, Jr.
Hon. Lemuel A. Wilmot.

WESTMORLAND.
*Hon. William Crane,
Daniel Hanington,
*Bliss Botsford,
*Robert B. Chapman.

QUEEN'S.
John Earle,
*Thomas Gilbert.

SUNBURY.
George Hayward,
*William Scoullar.

CARLETON.
Charles Connell,
*Horace H. Beardsley.

RESTIGOUCHE.
*Hon. John Montgomery,
Andrew Barberie,

ALBERT.
William H. Steeves,
Reuben Stiles.

VICTORIA.
Hon. John R. Partelow,
*Francis Rice.

CHARLOTTE.
*John James Robinson,
Robert Thomson,
*William Porter,
*Bartholomew R. Fitzgerald.

NORTHUMBERLAND.
Hon. Alexander Rankin,
John Ambrose Street,
*John M. Johnson,
*John T. Williston.

KENT.
*Robert B. Cutler,
*Francis M'Phelim.

GLOUCESTER.
*Robert Gordon,
Joseph Read.

KING'S.
*Matthew M'Leod,
*George Ryan,
*Henry W. Purdy.

ST. JOHN.
Robert D. Wilmot,
William J. Ritchie,
*John H. Gray,
*Hon. Charles Simonds.

CITY OF ST. JOHN.
*Samuel Leonard Tilley,
*William H. Needham.

☞ Half of the above Members are now (1867) dead.

There being a majority of new members elected, all thought to be hostile to the Government, and in favour of most, if not all, the liberal measures demanded by the Reformers, the country now began to form large expectations as to the good results that were to flow from the next meeting of the Legislature; but, it will be seen in the next Chapter, that it was one thing to elect a Reform House, and another to keep hon. members firm to their pledges.

(1851.)

CHAPTER XXVII.

The Chief Justiceship — Violation of a Constitutional Principle — The Government and the Governor in opposition — The Governor triumphs — Colonial Office interference — Attorney General goes upon the Bench — Mr. Street becomes Attorney General — Opening of the Session of 1851 *— Measures suggested in His Excellency's Speech — Liberal Speaker elected — Vote of Want of Confidence in the Government — Mr. Street among his Constituents — Mr. Partelow the Champion of the hour — Mr. Ritchie's Amendment lost — Government sustained by a majority of nine — Members unfaithful to their pledges.*

And now we come to a most remarkable epoch in our political history—another retrograde movement in the cause of Responsible Government. Since the general elections, Mr. Chipman had retired from the office of Chief Justice, and the name of his successor was upon the lips of every politician. The Conservatives, still opposed at heart to the new principles, of course would look no where else than to the Bench for a successor; while the Liberals contended that the office in the regular order of march certainly was the heritage of the Attorney General. And so it was, *Constitutionally speaking.* Then there was another speculation that perplexed the political quid-nuncs—if the Attorney General receives the appointment, who is to succeed him in *his* office! As a Liberal House had been elected, and Mr. Fisher had lost his seat, there was no Liberal of sufficient

weight in the Government to be counted upon for the office. But then, again, it was remarked, that as Mr. Fisher was still in office, and the appointment of the Attorney General to the Bench would necessitate a vacancy in the representation of York, Mr. Fisher might be elected before the meeting of the Legislature—quite time enough to be made Attorney General, and meet the House in that capacity. In the mean time there was a disturbance in the closet. The resignation of Judge Chipman at such a time was a great embarrassment to the Government, and they became sharp and contentious among themselves, or rather all of them towards the Governor. The fact was they did not wish to lose Wilmot, or perhaps they were jealous of the chance of his sudden elevation over the heads of the older Lawyers in the Council, and so they at once set to work to study economy. They could see no valid reason why three Judges, and the Master of the Rolls, could not conduct the Judicial business of the country. As the people demanded retrenchment, now was the opportunity, they thought, to keep the Attorney General in his place, and make one of the three Judges Chief Justice. Accordingly this advice was embodied into form for transmission to the Colonial Office;* but His Excellency took good care to accompany the document with opposite remarks of his own, quite enough to frustrate the wishes of his Council. In answer, it was ordered by the Colonial Secretary, that Judge Carter should be appointed Chief Justice; and His Excellency was directed to offer the Puisne Judgeship to Mr. Wilmot; and (it was further said at the time, and believed) in case of his refusal to give it to Mr. Kinnear, the Solicitor General. These appointments were accordingly made and accepted. Here was a violation of the principles of Responsible Government as flagrant as in the case of Mr. Reade, before alluded to. His Excellency carried his point in defiance of the advice of his Council, no matter how erroneous that advice may have been; and yet, with the exception of Mr. Fisher, (who did not retire quite as early as some of his friends could have wished,) they all swallowed the leek, and held on to their places, which no

* No wonder the Colonial Office interfered so often with our local affairs, when we encouraged the principle, by our own crying conduct in the way above mentioned.

doubt made the Governor more domineering than ever; and to try and thwart him afterwards in any thing would have been utterly useless.

No Government could, for three months, have withstood Mr. Wilmot and the party who would have supported him, had he gone into opposition. But his acceptance of an office beneath his due and dignity, had the effect of neutralizing the strength of the Reform Party, because it admitted the right of the Governor to rule in his own way*—it opened the doors of the Executive Council to the admission of a Conservative Attorney General†—and it, no doubt, kept the Reformers four years longer to recover the strength they had lost. The writer believed at the time, and still believes, (he may be mistaken,) that had Mr. Wilmot protested against the appointment of Judge Carter, and gone into opposition, he would not only have been able to overturn the Government, but have finally obtained the office of Chief Justice—for the English Government could not have resisted a pressure brought to bear upon them, when they were informed that a Constitutional principle, or rather right, had been violated by Governor Head.‡

A great luminary set in semi-darkness on the day that Mr. Wilmot left the Forum for the Bench. He was the light of the House for twenty five years, the centre from whence radiated most of the sparkling gems in the political firmament. It was at a time of life (comparatively a young man) and a period, when talents such as his, were mostly wanted by his party and his country. Notwithstanding his sup-

* Mr. Fisher, who had been one of His Excellency's advisers, said—"after the Governor saw that the Council would tamely submit to such a proceeding, he knew that he had them at his feet. From that day they were prostrate, and to it may be attributed all the subsequent acts of the Government. His whole administration after that had been a Government by despatches, and effort after effort to curtail the principle of self-Government and magnify the Colonial Office."

† Mr. John A. Street was appointed Attorney General, a gentleman whose political proclivities had always been Conservative, until Responsible Government had become established.

‡ A case under almost similar circumstances occurred in Nova Scotia a short time before this—when Mr. Dewolf was placed in a public office *for life* by the Conservatives, which appointment was ratified by the English Government—but afterwards when the Liberals succeeded to power, the same Secretary was willing to cancel the appointment, after considerable pouting. The grounds taken by the Liberals were that the appointment of Mr. Dewolf was a violation of the new principles.

posed mistake in having joined a Conservative Government, the Liberals were always willing to receive their old leader back with outstretched arms—ready to forgive and go along again with him over the old road, and to a man, would have held to him had he made a stand against Sir Edmund Head, and told him—"thus far and no farther" shalt thou go!

Mr. Street was appointed Attorney General; and Mr. Macpherson (Mr. Fisher being his opponent) was elected for York in place of Judge Wilmot. Charles Connell, Esq., recently returned member for Carleton County, was appointed to the Legislative Council. All kinds of speculations were now afloat—the Government, it was alleged, had been busy ever since the elections tampering with *unpledged* members, trying to nullify their (suspected) opposition, or rather to hold out inducements to them, to be friendly. Whether true or not, some that were accounted true Liberals were found afterwards on every division voting with the Government. It was certainly a critical time with the Government, and politically speaking, it was no wonder that they should use all the means in their power to retain their positions. Walpole, when Prime Minister to George I, knew the value or price of every member in the House of Commons, and by his blandishments could throw the line and bring enough members into his net to give him a majority upon difficult questions. We had the counterpart of Walpole in the Government of this Province, a gentleman who understood thoroughly the seductive art of carrying away with him what were called the "loose fish" in the Assembly. The Government were then comparatively safe with such a Walpole among them.

OPENING OF THE SESSION.

On the 6th February 1851, the Legislature met. The House was red-hot from the people, burning with radical zeal, and determined to destroy the Government, or set the whole country in a blaze of excitement. Every thing was now for the first time auspicious of a change in the old state of things. The political Delilah had shorn Samson of his locks, and now the country thought his exhausted strength was at the mercy of his enemies.

The first indication of the triumph of the Liberals at the

Hustings, was in making choice of a Speaker. Four years before this, as remarked in a former Chapter, there were not Liberals enough in the House to show a respectable opposition to the nomination and election of a Conservative Speaker. Now the scales were so far turned, that no Conservative could be found to oppose a Liberal nominee for that office; but, the whole thing was adroitly managed by the Government. By this time they knew pretty well their strength, and intended to husband it for a more important test. By this manœuvre the Reformers all over the country were thrown off their guard. The election of Hon. Charles Simonds as Speaker, was considered as tantamount to a break-up of the Government.* But—the end was not yet.

In his opening Speech His Excellency alluded to the recent death of the Duke of Cambridge, and the birth of another Prince—the importance of engaging in public works, especially the building of Railroads, the St. John and Shediac line in particular—he did not believe, however, that such works could be undertaken by a Government so well as by private individuals—spoke of the necessity for what is now called "Western extension,"—alluded to the work that had been conducted in clearing out the obstructions in the River St. John—the defective Common School system; as the Act was about to expire, he hoped that new legislation would correct existing evils—condemned the system of granting the supplies—objected to remodelling the tariff every year—and the utility of the "initiation of the money votes" being transferred to the Government. "It was impossible" he said "to regulate expenditure with income while the present obnoxious system continued." He alluded to the favourable reply to the Assembly's Address for elective Legislative Councils, as indicative of Her Majesty's desire to meet the reasonable wants and wishes of Her subjects in New Brunswick.

And now commenced the great battle of the Session—the "trial of strength" between the "outs" and "ins"—to result either in the defeat of the Government, or bitter disappointment of the opposition.

* Although not always a consistent Reformer, Mr. Simonds was still recognized among the Liberals as belonging to their School.

On the return of members from the Council Chamber, Dr. Thomson moved the Address in reply to His Excellency's Speech, when Mr. Ritchie rose and moved an amendment, as follows:—"*Resolved*, That this House does not "deem it proper to proceed at present to the consideration "of His Excellency's Speech, the present constitutional "advisers of His Excellency not possessing the confidence of "this House or of the people." The chief points of the arguments, for and against the resolution, are here generalized from all the speeches. It was alleged that certain honorable gentlemen had declared upon the Hustings in St. John that Responsible Government was Responsible *Humbug*, and yet they were the first to take advantage of the opportunity of profiting by the new system. The Coalition Government had been an imposition upon the country—if any thing more Conservative than formerly; while the leading Liberals had been neutralized in the House, owing to their positions in the Government, the Conservative strength had been more vigorously put forth in the absence of a strong opposition. In proof of the weakness of the Liberal element in the Government, the dispensing of the patronage had still been exclusively confined to the Conservative ranks. It was impossible that the right hands of the Tories could forget their cunning, simply because they had caught some of the leading Liberals in their toils. They might profess what they pleased, (said Mr. Ritchie,) but they were still opposed to Responsible Government, and would so continue through life. In order to maintain their positions, they must declare on the side of the rising Sun; but it was vexatious that, after all the zeal and energy in the public service, those men who had thus borne the heat and burthen of the day, and finally carried their point, should be obliged to sit tamely in the Legislature and see the Conservatives marching off with the spoils of victory. As a Coalition it had been a do-nothing Government, as much so as in former years. Last year sundry measures had been suggested in His Excellency's Speech, and great promises made that some of them at least would be brought forward by the Government; but with the single exception of the Attorney General's measure of Consolidation—which was simply the

cutting out one Section of an Act and adding it to that of another—the Session passed away without a single promise having been redeemed, notwithstanding Railroads—Education—Agriculture—Municipal Corporations—Immigration, and such like measures—had been praiseworthily descanted upon in the opening Speech as of the utmost importance to the best interests of the Province. Even upon the important subject of Railroads the Coalition could not agree. Hon. Messrs. Rankin and Fisher pulled against their colleagues in opposition to a Railroad measure that had been introduced last year. In fact, there was no more unity of action among them, than there was political affiliation; whatever came out of the Cabinet alive after discussion always bore Tory marks upon it. After such conduct, making so many promises and breaking them, would the House (it was asked) allow the Government to continue to tantalize them and the country any longer? Was it strange that a majority of the people at the late elections should withdraw their confidence from such men, as being no longer worthy stewards of their trusts? And the great controller of the Government, (Mr. Partelow,) he who had managed the political machine with such unrivalled skill ever since he had first got his fingers on the handle; he in his own County, where he had been born and reared, where he knew every body, shook hands with every body over and over, enquired after the health of their families, and could tell the number of their children—where he had ever been regarded as unassailable, even there did he suffer an ignominious defeat. Defeated there, he fled not to a people whom he knew, but to a far off land, among strange people, who had never before exercised the franchise separately and on their own account; whose language he did not understand; whose names he did not know, or if he did, he could not pronounce. And they elected him! King's County rejected three supporters of the Government. Onward and still onward went the course of events. Westmorland heard of it, and Felix trembled. The new Attorney General, of course, was not answerable for the short comings of the Government. On the contrary, Mr. Street had condemned their acts as bitterly as any other hon. gentleman. In his address to the electors of Northumberland last Fall,

he said he could not support the Government, because "he thought them politically dishonest." Here was the glorious privilege of the Press. Dishonest was a harsh expression; but if they were so then, could they be trusted now? Because of so much promised and so little done—of their many pledges given and broken; because they have done nothing to promote the interests of the people and the prosperity of the country, and were unfit and disqualified for the Government of the country, did he call on the House to support the amendment. Yet, how could the Attorney General, who had seen so much that was dishonest, make up his mind to go in and keep them company, unless he was under the impression that he was to be the leaven for the whole mass, and could bring them all over to his way of thinking, of which there were great doubts while a certain gentleman remained in the Government to out-manœuvre them all.

The Attorney General was down among his constituents for re-election, and had not yet taken his seat. Mr. Partelow had, therefore, to be the hero of the occasion, and fight the battles of the Government, single handed; for there was no *debating* man in the House at the time to stand by him. Conscious that his old influence with members was still with him, Mr. Partelow felt, no doubt, that this was of more importance to him than the best speech he could make. But, notwithstanding his personal advantage in this respect, he spoke longer and better than he was ever known to have done before. He knew that the weight of the whole Government now rested upon his individual shoulders, and that the country was watching to see how he would carry his burthen through the difficulty, in the presence of a most formidable and determined opposition. He attributed the loss of his election in St. John to local matters—such as the appointment of Messrs. Peters, Wheeler, and the Mayor. Charged Mr. Ritchie with introducing nothing practical, and having in Committee recommended the payment of Mr. Baillie. Said he had nothing to do with the formation of the Government—that all kinds of charges were made against him. Referred to the several Laws introduced by the Government—claimed special merit for the consolidation—and obtaining the Emigrant grant—Education could

not be attended to last Session through pressure of business. The subject of Agriculture had been referred to Agriculturists. He approved of the Shediac Railway. The House had refused the Initiation of Money Grants, and the Government could do nothing. He supported the reduction of salaries. The Colonial Secretary's despatch prohibited bounties on the fisheries. He was ready, however, to bow to the decision of the House, whatever it might be—he considered a political office, with all the drudgery and anxiety it entailed, would scarcely compensate any man for the peace and happiness which he was called upon to sacrifice. He considered £400 a year, for a non-political office, of far more value than one at £600 that involved so many responsibilities.

Every member took part in the debate. Mr. Ritchie made the closing speech; and when the question was taken, hon. members stood as follows:—

FOR THE AMENDMENT.

Ritchie,	Earle,
Needham,	Gray,
Johnson,	Tilley,
Steeves,	Wilmot,
Cutler,	Hatheway,
Ryan,	Purdy,
Pickard,	M'Leod,
	Chapman.—15.

AGAINST.

Rankin,	Partelow,
Hanington,	Stiles,
Taylor,	Hayward,
Montgomery,	Barberie,
Read,	Gordon,
Scoullar,	Crane,
Williston,	Botsford,
Porter,	Robinson,
Fitzgerald,	M'Phelim,
Rice,	Gilbert,
Beardsley,	Thomson.—22.

This decision took the country by surprise, and firmly established the Government in their positions—surprise that a clear majority of men should be returned to oppose the Government, and yet enough of them be found to falsify their promises to their constituents, by voting in direct oppo-

sition to their pledges.* Mr. Partelow's good star was still in the ascendant; but a party line had now been fairly drawn—15 to 22. The tide had not yet risen quite high enough to float the Liberals into power. It was something, however, to have the line drawn for the guidance of the country as well as of members themselves. All that the Liberals had to do now was to hold together, and not relax the grip they had taken. The whole number were considered to be firm and incorruptible.

Mr. Ritchie declared in his closing speech, that offers of seats at the Executive Board had been hawked about St. John, and that two of his colleagues, to say nothing of himself, might, at that moment, have been in the Government, had they been willing to sacrifice their political principles to the Moloch of office. The hopes of the party were, that the supporters of the Government could not always be depended upon—that if some of them had misled the Liberals as to the course they would take in the want of confidence debate, they were not to be relied on, and would easily be disappointed if the Government did not do all for them that they would ask or expect.† This, however, was a species of mental arithmetic, which, when it came to be reduced to figures on the slate, proved to be illusory. It will be seen in time that it was the Liberal ranks that were decimated, through the disaffection of some of their own men, while the Conservative side of the House became stronger than ever.

* The Miramichi Gleaner, in speaking of the result, said:—
"The Counties of Restigouche, Gloucester, Northumberland, and Kent, send ten members, (Mr. Street absent,) and out of that number, only two, Johnson and Cutler, opposed the Government. At the recent election, we believe, every one of those men promised, and many of them pledged themselves to oppose the present order of things, and expressed themselves as having no confidence in the present Government. What action will their constituents take on the subject? Will they quietly submit to be thus treated? We shall see."

† Some of the Government supporters were so taciturn in regard to their political leaning, that neither the Government, nor the opposition, could tell, until the last moment, which way they intended to vote.

CHAPTER XXVIII.

Colonial Office Despatches—Mr. Baillie's Retiring Allowance—Mr. Barberie's Measure for abolishing Newspaper Postage—Measure for disqualifying Office Holders from holding Seats in the House—The new Attorney General re-elected, and takes his Seat—Enunciation of his Principles—Government Measures promised—Attacks of the Opposition—Brave Defence—Bill for Elective Legislative Councils—The scheme of the Bill—Discussed in the Legislative Council, and there rejected.

The storm having passed over, and the political horizon once more become clear, "the ordinary business of the country" was now taken in hand. On the 11th, Hon. Mr. Partelow presented a number of despatches from the Colonial Secretary—viz: one on the birth of a Prince—one relating to the engrossing of Bills—one relating to the salary of the Surveyor General—one in reference to Elective Legislative Councils—one upon Commercial subjects—one upon Railways—and one relating to Merchant Seamen. The despatch upon Railways contained a polite refusal to ask Parliament for £1,000,000 in aid of the Halifax and Quebec Railway, as prayed for by the Address of the House last year. The despatch upon Trade laid down as a general rule, that the Home Government would exercise a restrictive power over Colonial Tariffs. The despatch upon Elective Councils stated that Her Majesty's Government had no objection to the principle; but that Her Majesty could not be advised to consent to the measure until they had seen the details. His Lordship added, that he trusted care would be taken in reference

to fixing the franchise, so that the Council elect would not be a second House of Assembly. In the despatch in reference to Mr. Baillie, his Lordship admitted that that gentleman's salary was fixed in 1837 at £1,200 currency, and that he had overdrawn £1,700, besides the £513 he had been compelled to pay back. The House was distinctly told, however, that it had no right to legislate upon the salaries of public officers, who were on the Civil List prior to 1837. His Lordship concluded with an earnest recommendation that an end might be put to the dissensions upon this subject, by allowing Mr. Baillie a retiring allowance.

Another despatch intimated that the English Government would not allow the salaries of the present Judges, the Master of the Rolls, the Surveyor General, or the Receiver General, to be reduced; but that this might be done in regard to their successors, and the office of Receiver General might be abolished whenever a vacancy should occur; also that the Legislature was to have no control over the Civil List Funds while the initiatory system of voting the public moneys was so unsatisfactory. With regard to the salary of the Lieutenant Governor, that was not to be disturbed under any circumstances. It was further intimated, that British capitalists could not be induced to invest in Colonial securities, if the Legislature be allowed to break in or break ground upon settled engagements, such as was attempted last year. There were several other despatches, but of immaterial consequence.

And now we come to speak of one of the most important measures to the people generally, that was ever submitted and carried in the House of Assembly of this Province. Mr. Barberie brought in a Bill to provide for the free transmission of Newspapers and Pamphlets by Mail, which was read, and some time afterwards passed and became law. To this gentleman, then, were the Publishers of Newspapers and their subscribers indebted for the great boon which was concontinued—*up to a recent period.* Other hon. gentlemen might have moved in the same direction—but they did not. It was reserved to Mr. Barberie to remove this obnoxious tax from the newspaper reader. Strong Conservative though he was, he did enough by this single act—for which he had year

after year struggled—to atone for any opposition he may have shewn towards previous liberal measures. As the writer has thus far avoided, as much as possible, making these pages the medium of any man's praise, or censure, he feels that he cannot say more in this place in support of the boon thus conferred upon the people of New Brunswick, through the instrumentality of the hon. member for Restigouche.

Feb. 18th.—Mr. Botsford (another Conservative) also introduced a Bill of the utmost importance—or rather the principle of it paved the way for important results—viz: for excluding Deputy Treasurers, and other officers connected with the Customs and Excise, from holding seats in the Legislature—to go into effect on the expiration of the present House. There was a number of such officials in the Assembly, and their votes were necessarily given on the side of the Government, their superiors in office, which greatly preponderated against any attempt on the part of the opposition to introduce and carry reform measures. It was argued that the practice of excluding from the Legislature officers of the Customs, was adopted in England so long ago as Queen Anne's Reign; and why? Because, if they sat in the House of Commons, they might, from interested motives, support a high scale of duties, and thereby increase their incomes. For the same reason they might support extravagant expenditure, and thus render heavy duties necessary. In the Reign of William III., the officers of the Excise were excluded from Parliament for the same reason; and not only so, but the Law then passed inflicted a fine of £500 upon any one of them who should meddle with elections. It was on account of this wholesome English practice, founded upon experience, that Mr. Botsford wished to have the principle introduced into this Province; and if hon. members were in favour of the principle of the Bill, he would be willing to go even further, and exclude all officers deriving emolument from the public chest, excepting those known to be purely political. A great deal was said in the course of the discussion in regard to the office of Provincial Treasurer—some were for making it political, and others opposed. It was denied, however, by the opposers of the Bill, that those who held office on the floors of the House were, or could be, influenced by the Gov-

ernment—that these men had minds of their own, and were bound to consider the interests of their constituents, and would not dare vote against these, if a measure of the Government were considered to be inimical. It was answered, that it was usual, nay paramount, for the servant (politically speaking) to do his master's bidding; that after all they were pensioners upon the good will of the Government; and it was observed that when the Duke of Wellington was in the Government, and hearing that the Master General of the Ordnance intended to vote against them, he (the Duke) thus accosted him—"Sir, Mr. ——— may vote as he pleases, but the Master General of the Ordnance votes with the Government." Here was an instance that all officials were expected to vote on the side of their superiors.

After a lengthy discussion progress was reported. The Bill again came up on a subsequent day, and after sundry amendments being proposed and carried, progress was again reported. On the third March the discussion was renewed; and after a debate of two hours, during which there was a scene of much confusion and altercation, Mr. Cutler offered an amendment, which was lost by a large majority. Mr. Steeves then moved, as an amendment to the Bill, that (after Comptrollers of the Navigation Laws) there should be excluded the Treasurer, Deputy Treasurers, Officers of the Customs, Registrars of Deeds and Wills, Judges of Probate, Registrars of Probate, Clerks of the Peace, Sheriffs, Coroners, Supervisors of Roads, Commissioners of Roads and Bridges, Government Contractors, and all other officers appointed by the Government, political officers excepted. This amendment was sustained by Hon. Speaker, and Messrs. Read, Gordon, Crane, Hanington, Scoullar, Rice, Stiles, Steeves, Gilbert, Cutler, Hayward, Ryan, Beardsley, English, Taylor, Hatheway, Macpherson, and Fitzgerald—19. The opposition consisted of Messrs. Porter, M'Phelim, Thomson, Gray, Wilmot, M'Leod, Johnson, Botsford, and Williston—9. It is proper here to state that Messrs. Porter, Thomson, and Wilmot, were opposed to the Bill on principle. Mr. Botsford voted against the amendment, because it did not include Judges of the Inferior Courts, and Magistrates; and Messrs. Gray and Johnson wished to substitute the following amendment, (after

officers of the Navigation Laws,) written and read by Mr. Gray—" or that hold an office in the Customs in this Province, or an office of emolument under the Government, payable out of the Provincial Revenues, nor any person connected with the collection of the Revenue in this Province, nor any Supervisor, Commissioner of Roads or Bridges, nor any person appointed by the Government to expend any grant of public money, nor any person having a contract with the Government, or being security for such contractor."

The Attorney General (Mr. Street) having been re-elected for Northumberland by a show of hands, took his seat on the 25th, and delivered a speech of three hours length, enunciatory of his political principles, and those of the Government of which he was the leader. No Reformer, as regarded generalities, could have demanded a more liberal programme. He said he had joined the Government without a violation of his political creed. It will be seen, however, that some of his propositions were laid down with just circumlocution enough to render them capable of being interpreted in different ways. He was in favour of Reciprocal trade with the United States, or placing a duty upon American importations to the extent that they imposed upon ours. Was in favour of Municipal Corporations, but would not force them upon the people. Would go for Retrenchment as far as was consistent with the interests of the public service. Was in favour of Taxation for Schools—not coercive, but gradual. The surrender of the Initiation of the Money Grants into the hands of the Government, as soon as the House were willing to do so. He considered the condition of farmers should be improved by an improved system of rural economy, the best means for which he considered sending out persons to teach the people how to live on less with equal comfort; to infuse a desire of supporting domestic manufactures, and to encourage settlers by Bye Roads, &c. No man could or ought to take office where his principles did not coincide with those contained in Earl Grey's despatch, and who was not prepared to carry those out! Was in favour of Elective Councils, to which he was last year opposed, because the Bill was introduced too late, and he had not time to examine it, and not from opposition to its principle; he now approved of the des-

patch on this subject. Was for promoting the construction of Railways. Would introduce the Facility Bill for the Portland Road, which he considered much more likely to be built than the Quebec one. Was opposed to the Province taking Stock, but would support it by giving as much aid, by the issue of scrip, as might consist with the other interests of the country. He would bring in the following Bills :—

1. The Municipal Corporation Bill.
2. School Bill.
3. Elective Legislative Council Bill.
4. Bill appointing Commissioners on Law Reform.
5. Bill to amend the Act relating to the collection of the Revenue.
6. Railroad Facility Bill.
7. And Post Office Bill.

Would bring no Bill in on Fisheries, Agriculture, or reduction of Salaries.

Mr. Ritchie gave notice that he would, on an early day, move for a Committee to take all these matters into consideration, especially the Attorney General's declarations relative to Earl Grey's despatches.

The opposition Press shewed a disposition to suspend hostilities—to wait, watch and see what the old Government, with a new leader, would bring forth for the benefit of the country. A forbearing spirit was now more urgent than ever, from the fact that the St. John and Shediac Railroad at this moment concerned the country more than the mere *personnel* of the Government; and it was a matter of little importance whether it was a Liberal or Conservative Government that introduced it.

Returns were received of the Reformers of Carleton County having elected Richard English, Esq., over Henry E. Dibblee, Esq., as member in place of Hon. Mr. Connell, elevated to the Council.

Feb. 26th.—Mr. Macpherson took his seat in the House this day as a member for York. Mr. Porter's Bill to commute debts due on granted lands, and the Bill to incorporate the Fredericton and Woodstock Telegraph Company, passed in Committee of the House. The House in Supply voted 15s. per day to the Sergeant-at-Arms; Clerk of the Council, £200;

Clerk of the House, £200; and £100 to each for extra services; also £100 to the Clerk of the House for services in preparing Index, being a reduction of £50—to the Assistant Clerk of the House and the Council, £100 each, and for extra services, £50 each, being a reduction of £25. Messrs. Tilley, Needham, Gilbert, Ryan, Steeves, Hatheway, Beardsley, M'Phelim, and Purdy, voted for further reduction. Mr. Thomson said the House lost £70 by discussion and reduction. Voted to door-keepers, 10s., and messengers, 7s. 6d. per day. For support of Schools, £10,000. Rewards to parties apprehending deserters, £100. Librarian, £75. Mr. Needham seconded an amendment to make the Librarian's salary £50, and £12 10s. for Contingencies. The usual vote of £40 to the Master in Chancery, for bringing messages from the Council, was lost. £1,097 was voted to Keepers of Light Houses.

From this time forward the Hon. Attorney General reposed upon any thing but a bed of down. The opposition having failed, so contrary to their expectations, to defeat the Government, now began to get desperate as well as impatient. They acted as if they conceived that it was impossible that any thing good could possibly emanate from a body without a soul—so fossilated, so cramped, and so far in the back ground, that it was incapable of progression; and yet never before—nor since—had a Government been so profuse in promises, and done so little to redeem them, as the old administration, with the new Attorney General for a leader. With such a determined opposition, however, it is not to be wondered at, that the Government entrenched themselves behind their bastions to defend rather than to march out. Mr. Street defended every pass, and pointed every gun in the Citadel, of which he had but recently become the Commander. Mr. Partelow having exhausted his ammunition upon the glacis, and kept the enemy at bay until Mr. Street's return from Northumberland, now stood, or sat in the back ground, doing essential service in preparing the cartridges for his more declamatory colleague to fire. If pluck and steady nerve were any qualifications for a leader, the Attorney General certainly did not lack either. He was the rock upon which the billows of opposition surged with unrelentless fury. Complaints were made by members in consequence of the vacant

seats in the Government not having been filled up. All sorts of rumours were afloat, tending to compromise certain of the leading Liberals. The object, therefore, of the House, was to learn definitely from the Government what were their intentions. The Attorney General promised early information.

Mr. Ritchie having moved on the 21st inst. for all papers and despatches to and from the Colonial Office, in reference to the Judgeship business, on the retirement of Chief Justice Chipman, the Provincial Secretary, on the 27th, submitted a message from the Lieutenant Governor, containing such information as His Excellency considered it his duty to give, which information amounted to very little more than the House had already been in possession of. His Excellency having triumphed so far over the "leading minds" of the Province, now felt himself strong enough to give as much, or little information, to the Legislature, as suited his own convenience. Mr. Ritchie complained of this sort of treatment, but made very little by his motion.

And now the Government indicated their desire to take the lead and go to work. On the 25th, the Attorney General introduced the Municipal Corporation Bill—a measure considered to be necessary to the proper working of Responsible Government. It provided that the High Sheriff, upon the application of fifty rate payers, should call a public meeting, which was to take the subject into consideration. It was requisite that one hundred rate payers should be present, and of these, two thirds were to decide in favour of the adoption of the measure. On receipt of such information from the Sheriff, the Government were to issue a Charter, granting all the necessary corporate powers and privileges, &c. The business of the County was then to be vested in a County Council, consisting of two Councillors from each Parish, elected by the rate payers. The other provisions of the Bill were subordinate to these, and do not require to be specified here.

The opposition complained that the details were unwieldy and absurd, and that nothing could better typify the minds of the men who prepared the measure. It was said that it would take away the power already given to the Parishes by

the Consolidation Law, for electing their Parish Officers. It did not give Municipal Institutions to the different Parishes, and imposed a franchise which virtually excluded rate-payers. The Bill, they said, was crotchety in all its parts, and after all it was left optional for any County to accept it or not—whereas, the mover should have known that no County in the Province* would touch the thing a bit quicker than the people would a poisonous reptile.

The Attorney General in his reply to these strictures, said he did not expect to please every body, much less the opposition; for if a Bill had been introduced by the Government, as perfectly as the punctuation of the Bible, they were bound among themselves to oppose it. He was not, however, so far wedded to the principles of the Bill, as to refuse to hear suggestions, or accept amendments, no matter from what quarter. The speakers in opposition denied that they were actuated by factious motives—neither did they consider that the Government were honest in their professions in favour of Responsible Government, or they would not call upon their opponents to assist them in perfecting their bad work. If the Government were allowed to consider such matters as open questions, they might continue in office for life, for there was nothing to disturb them since their measures were not to be a test of their abilities.

Mr. Street defended his ground with consummate address and great tenacity of purpose. He spoke for two hours in support of his bantling, and single-handed met the arguments of a most talented opposition. The measure was finally carried, but so mutilated and altered from the original, that it was hard for its putative father to recognize his own offspring.

Mr. Gray moved to enter upon the Supply Book a motion for a grant, not exceeding £2,000, in aid of erecting a wharf at Reed's Point, St. John, for sea-going steamers. There was some opposition to this, but it was carried by a large majority. The House went into Committee, for the second time, on a Bill to issue Provincial Debentures to the amount of from £10,000 to £15,000, (as the House might

* In this the opposition were correct—for no County did touch it, until a few years afterwards, when the measure was put into the shape in which it now stands.

decide,) to enable the owners of lots in the "burnt district," Fredericton, to erect fire-proof buildings. A considerable discussion followed.

The next measure in order introduced by the Government, was for making the Legislative Council elective.* It would not be worth the time nor space to refer to discussions that have so often proved fruitless, or unproductive, were it not for the purpose of giving the reader an insight into the propositions laid down, and the opinions elucidated therefrom, upon a measure which, had it been successful, would have rendered mongrel the British Constitution in the Province—a Constitution which Liberals and Conservatives alike had always considered to be a model of superiority. But there was so much vacillating and backsliding—so much advancing and retrograding—objects so undefined and purposes so unfixed—hopes raised and prospects blasted—while Responsible Government was in a transition state, that it was no marvel what sort of measures were introduced into the Legislature. The Conservative suddenly became Democratic—and the Liberal, Conservative to the extent that he did not wish to have a Republican shoot engrafted upon an Imperial stem. The old ship having pretty well foundered by this time, it was now the desire of crew and passengers, each and every one, to look out for themselves. They were all afloat, drifting hither and thither, almost every man having made a raft of his own. Those who stuck together fared the best, as they drifted in a body, and were enabled to keep the wreckers† at bay for a season, and hold their own. But it required great adroitness and courage to pass safely over the breakers. The "open question" manœuvre was the passage which enabled the Government to run between Scylla and Charybdis; and this plan was again adopted in trying to float the Elective Legislative Council Bill through the Assembly.

The Bill commenced by declaring that after it became law, and received the Royal assent, the present Legislative Council

* The principle of a similar measure (passed at a previous time) was admitted by the English Government; but, further necessary information as to its details, in certain particulars, was asked by the Colonial Secretary, in order that Her Majesty's sanction might be obtained.

† A designation applied to the Reformers, by the Conservatives.

should be dissolved, and all appointments thereto annulled, the members, however, retaining their title of "Hon." An Elective Legislative Council was then to be established. For the purpose of electing Councillors, the Province was divided into five Districts, designated respectively the Northern, the Eastern, the Southern, the Western, and the Central District. The Northern District was to comprise the Counties of Restigouche, Gloucester, and Northumberland; the Eastern District, Kent, Westmorland, and Albert; the Southern District. King's and St. John; the Western District, Charlotte, Carleton, and Victoria; and the Central District, York, Sunbury, and Queen's Counties. Each of these Districts was to return four members to serve in the Council; the qualification for members was the possession, in freehold, of real estate of the value of £800, which was to be free of all encumbrances. The qualification of electors was to be the same as for County Members to serve in the Assembly. Members of the Council were to be elected for eight years; but one member in each District, to be determined in the first instance by lot, was to go out every two years. The President of the Council was to be appointed by the Lieutenant Governor; he would not vote on any question, unless there was an equality of votes, when he would give a casting vote. The President and members of the Council were to receive the same pay and allowances as the Speaker and members of the Assembly. The members of the Council were to be free from arrest only while in Session, and for ten days before and after; and they were to be disqualified if they ceased to possess the requisite amount of real estate, or become bankrupt, or insolvent, or compounded with their creditors, or become public defaulters, or were convicted of felony, or any infamous crime. All powers and authorities then vested by Law in the Legislative Council, were to be exercised by the Elective Council, with this addition—the Elective Council might amend or alter any Revenue or Money Bills sent up by the Assembly, where alone such Bills could originate.

When the Bill went before the Council, it received a severe overhauling, as might have been expected from men, against whose throats the instrument was again levelled, in order to deprive them of their political heads. Hon. Mr. Chandler

opened the debate, spoke about an hour in favour of the Bill, dwelt principally upon the present want of political independence in the Council, and the absence of all interest taken by the people in its proceedings. Hon. Mr. Connell followed on the same side; dwelt at considerable length on the approbation of the measure manifested by the Home Government, founded as it was upon the Address of the late House of Assembly. Hon. Mr. Saunders took the other side, and described it as a mere republican measure, and only calculated to sever the connection with England and this country. Hon. Mr. Harrison next opposed the Bill so urgently, that in closing he observed, that if the Bill passed, he would never raise his voice again in the Council. Hon. Mr. Robertson next spoke against the Bill, and represented it as cutting the present chain of British connection, and leaving the Province helpless and unprotected. Hon. Mr. Hatch made a most animated speech; he also declared he would cut his connection with the Council, in the event of the principle of the Bill being sustained. The Solicitor General made a lengthy speech in support of the Bill. Hon. Mr. Odell opposed it in a long speech; he said the present tenure was quite satisfactory, and the Address of the Lower House was passed for election purposes. Hon. Mr. Black spoke against; he was disgusted with the Bill, which threw unmerited reproach on members. Hon. Mr. Robertson again opposed, as tending to break the connection with the mother country. Hon. Mr. Botsford supported the Bill, as giving independence and public confidence to the House. Hon. Mr. Brown supported the Bill; he said the spirit of liberality was progressing and irresistible; the danger was in opposing it—had wrung the Charter from King John—led Charles to the block—drove James from the Throne—overthrew the Monarchy in France—gave freedom to slaves, and would advance. Hon. Mr. Saunders spoke against, as did also Hon. Mr. Harrison.

Division.—For postponing to next Session, Messrs. Black, Shore, Robertson, Saunders, Owen, Minchin, Odell, Davidson, Hatch, and Harrison—10.

Against.—Messrs. Chandler, Botsford, Hill, Hazen, Connell, Kinnear, and Brown—7.

CHAPTER XXIX.

Bill for the construction of Railroads — The Scheme proposed — Discussion thereon — Facility Bills — Government School Bill — Strong opposition — The Bill referred to a Committee — Bill for converting King's College into an Agricultural School — The Government of the College — Bill for appointing a Law Reform Commission — Codified Laws — Revenue Bill passed.

March 7th.—The Provincial Secretary introduced Bills in aid of the construction of a Railroad from St. John to Shediac, and also the St. Andrew's and Quebec Railroad. The Bill for incorporating the Company, for which the present "European" Facility Bill was to be supplementary, provided that the Capital of the Company should be £1,500,000, in 60,000 shares of £25 currency each. Power was given to increase the capital to £2,000,000 when necessary. A deposit of five shillings per share was required from every person who subscribed for shares; the calls were not to exceed £2 10s. per share; and there must be at least two months between the payment of each call; not more than one third of the amount of each share should be called for during any one year. The Company were to allow interest on calls not exceeding six per cent. per annum, until the Railway was completed; and may allow interest for shares paid up in advance. The Company was empowered to construct a main line of Railway from the Nova Scotia boundary, through New Brunswick, to the Eastern boundary of Maine; and to unite with other Companies in Maine and Nova Scotia, for the purpose of continuing the Railroad; and it might make branches from

the main line to any part of New Brunswick; and might own steamers in the Gulf of St. Lawrence and Bay of Fundy, to ply in connection with the Railroad. When Stock to the amount of £100,000 was subscribed, and five shillings per share paid in, a general meeting of the shareholders was to be called for the organization of the Company. The number of Directors might be either seven, nine, or thirteen, as the Shareholders might choose; each Director was to own at least forty shares of Stock. Each share in the Company entitled the holder to one vote in the choice of Directors, and on all other questions which came before the Shareholders. There were other features in the Bill, but only enough in all such cases are given, to convey a general idea of a measure. The discussion was most harmonious. When Railway matters were up the previous Session, there was a great deal of cross-firing; but, on this occasion, hon. gentlemen were actuated by one aim. On introducing the Bill, the Attorney General spoke of the great advantages of the road—he said the country was now behind the age. His reasons for changing his opinion as to details was, that this was the only way in which the Province could aid the undertaking, and incur no additional liability. The Speaker would support the Bill, as it was most popular; he was opposed to the Government owning stock; he would prefer their loaning money and taking security. Mr. Gray spoke two hours; he produced statistics to prove that the road would pay, and the Province incur no risk. Mr. Gilbert prayed the House not to pass the Bill, as it would ruin the country, and he read from the Illustrated News of the year 1848, to shew that Railroads were ruinous in England. Mr. Montgomery was in favour of the road, but he thought the Province could not afford the sum, and was opposed to the Government taking Stock. Mr. Robinson shewed that the English Great Western Railroad, the most expensive in the world, now paid 4½ per cent. Mr. Crane supported the Bill, he told what he saw effected by Railways in England and the United States—he said he had taken stock. Mr. Taylor was in favour of the Bill; he said it was a stupendous undertaking, and asked what Nova Scotia would do? Mr. Ritchie shewed the benefit it would be to the farmer—he said if the Government had

proposed a mortgage, he would repudiate such assistance. Nova Scotia would build her share now, even if she never intended to do so before; he believed the only difference *there* was as to the best mode of proceeding. Mr. Earle was opposed to the Railroad as ruinous, but he felt that it was sure. Mr. Gordon said the sum was too large, but he was in favour of the principle. Mr. English said his experience led him to know that Railroads would be ruinous, still he would support this through generosity. Mr. Needham spoke in favour. Mr. Barberie opposed; he said the sum was too large, that the Province could not afford it. Mr. Hanington was glad to see public opinion so far advanced; he had signed the former Report, believing the Railroad would be the means of elevating the country; but he would oppose the Government having any control.

For the Bill.—The Speaker, Attorney General, Partelow, Rankin, Hanington, Ritchie, Chapman, Scoullar, Gordon, Read, Crane, Williston, Botsford, Tilley, Rice, Stiles, Taylor, English, Beardsley, Ryan, Purdy, M'Leod, M'Phelim, Fitzgerald, Robinson, Gray, Wilmot, Cutler, Hayward, Johnson, M'Phelim, Steeves, Needham—33.

Against—Gilbert, Montgomery, Pickard, Earle, Barberie, 5.

The leading features of the St. John and Shediac Facility Bill, which was also carried, may be briefly recited. The Government were to give a Company £250,000 sterling towards the undertaking—that is to say, as soon as £100,000 were paid in by subscribers, the Province would issue debentures payable in London, or New York, bearing interest at 6 per cent.; but not more than £100,000 to be issued in any one year. For every £10,000 paid in by the Company, the Province was to pay £10,000, but not to exceed the annual amount just stated. The debentures were to be redeemed in thirty years, and in case of there being a deficiency, the Stock was to be sold to make it good. There were to be nine Directors, out of which the Province was to be represented by two Directors, to be chosen by a ballot of both Houses of the Legislature, united, so that no Government interest should interfere. The Bill for the St. Andrew's line provided £50,000 by Government, upon the same terms—£20,000 in debentures were to issue when £20,000 stock was paid in.

Mr. Botsford read the correspondence connected with Judge Botsford's retirement, and animadverted in severe terms upon the Government of a former day. He characterized the circumstance as a "foul plot," and asserted that his father had been sacrificed to political intrigue. He moved for an Address to His Excellency, for certain despatches now withheld. Carried. Mr. Ritchie adverted to the circumstance of the Governor garbling the despatches he sent down. He construed this to mean that there was something dark and bad behind, which Government dared not to send down.

The Government introduced another Bill, called "the School Bill," which may be considered as the fourth Bill of the Session. Indeed there never was a Session before—there has never been one since—when a Government marked out so much work for the House to proceed with. Whatever may have been said of the previous Government for *doing nothing*, the present formation—which, after all, was nothing but the old body with a new head—proved to be any thing but indolent. But all that they offered, or could do, was not enough to satisfy the opposition. The present School Bill was pronounced to be an abortion, almost in advance of its birth. The Bill set out with repealing the Act continuing former Acts, and proceeded to re-enact the same provisions, with a few additions. The Executive was still to be a Board of Education. The Sessions were to appoint Trustees, who, in their turn, were to divide the Parishes into School Districts. The Teachers were to be paid by the old voluntary system, in money, or board and lodging by the District, to the amount of £10 for six months, and were to be paid the same Provincial sum as at present, unless where there were too many Schools in a Parish, when the amount apportioned the Parish was to be divided proportionately among them by the Trustees. The Teachers were to attend the Training School, and to receive 10s. a week each during their attendance. The Bill determined what each Class Teacher was to be capable of teaching—Practice—English Grammar—Navigation—and another section enacted, "that it should be the duty of the Teacher to teach diligently all the branches to be taught in the School, and to exert his best endeavours, (these were the words) both by example and

precept, to impress on the minds of his pupils the principles of piety, justice, honesty, and a sacred regard for truth, love to their country, humanity, and universal benevolence, sobriety, industry, frugality, chastity, moderation, and temperance!!!" His pay was to be £9 and board and lodging, for the six months. The other features of the Bill are here omitted. It was taken up for discussion on the 1st April, but the Attorney General said that it contained so many defects, that he could not ask the House then to pass it; if taken up he had many amendments to propose. Mr. Wilmot suggested, in order to save time, to refer it to a select Committee; seconded by Mr. Hatheway. Attorney General had not the slightest objection. Mr. Steeves suggested to the Government that it was now too late; the Bill was important, requiring much time, and the Session was drawing to a close. Mr. English wished the Bill taken up, he was willing to remain all summer if it were necessary. Mr. Ritchie was not willing to remain, and the country would not thank them if they did; he was not disposed to make this a party question; but was it fair that the Government should introduce measures in such a way, and leave the House to alter them in every feature? the very object of Government was to mature measures, and prepare them as nearly perfect as possible for the House. Mr. Hanington would not remain all summer, and he thought it not too late to refer; a Committee would have been appointed at the very opening of the Session, but for the paragraph in the Speech. Mr. Johnson thought the Attorney General was not to blame; he had not time to attend to all these measures, and this had better be withdrawn. Mr. Gray said it was an acknowledgment of incompetency on the part of the Government, but he had no objection to let it be referred to a Committee. Mr. Partelow was not particularly conversant with the subject, he confined himself principally to financial matters, still he was willing to give his assistance in the matter, and the Government were not to blame. He said if Mr. Wilmot had not been removed, he would have brought down the measure. The Attorney General replied warmly; he said the Bill was not a party measure. It was found impossible to frame a good measure even in England; he was prepared to go on with the Bill if the

House would not refer it to a Committee; he acknowledged its many defects, and would have a much more perfect measure prepared next Session. On the division, it was referred by a large majority.

The Bill was not again taken up in the House during the Session.

Since the School Act of that day has given way to another, more suitable and useful in its purposes and objects, the discussions which occurred from Session to Session, every time an attempt was made to improve the Law, will not be again referred to. In a former Chapter, some of the points in a similar discussion were brought out, which answer the purposes of this Book.

March 10.—Mr. Gilbert introduced a Bill* (which was laid on the Table, to be moved on a future day,) to the effect that King's College should be converted into an Agricultural School, with a model farm connected therewith! This was certainly one way of trying to improve the intellectual training of the rising generation. Had the hon. gentleman's proposition gone the length of converting the College into a Circus, or a Theatre, and required the President and Professors to become the performers, his resolution would not have been a bit more inconsistent! The Bill was received and ordered to be laid on the Table. It may be remarked here, that the College at this time was, in consequence of what was considered to be its inefficiency, very unpopular in the country. The College Council consisted of fifteen members, which was made up of ten Episcopalians—two Presbyterians —two Methodists—and one Baptist. The Visitor—the Chancellor—the President—the Principal—six out of seven Professors and Teachers—and the two Examiners—were Episcopalians. The Chapel Services were according to the rites of the Church of England, and were compulsorily attended by all resident Students, unless in case of special dispensation. Of eighteen Students then on the College books, two were out of the pale of the Episcopal Communion. The two Examiners were young Clergymen of the Church of England,

* On the 12th Mr. Gilbert's Bill was to be considered; but the Speaker announced to the House that it could not be found upon the file—so that the inference was, that somebody had purloined it. This Bill, however, was found afterwards, and discussed on the 25th April, and "thrown out."

not much more than out of their teens—men of faultless conduct, but were scarcely the Seniors of those they examined—were both fresh from their admission to orders; and had neither of them as yet given any assurance to the world of the erudition and ability necessary to their office.

A correspondent, under date May 12th, 1851, addressing the writer of this Book upon the subject, thus remarked, among other things—

"Let any impartial man compare the proportions of Episcopal with other influences in the Councils and Chairs of the College—the number of Ministers for the stalls of the establishment, who have received assistance from the public funds, and honours and titles from the College—the entire absence of Students for the pulpits of other Churches—let him remember that while those who are intended for the legal, the medical, or the mercantile professions, must surely outnumber the students of the divinity class; yet no provision is made for them, not even a good, or I believe indeed any system of mental philosophy; and then recollecting the relative numbers of the different religious denominations in the Province; let him answer the plain questions—Is this Institution free and equal in its favours? Does it savour of Episcopacy and Sectarianism? Is it substantially Episcopalian and Sectarian, or is it not?"

On the 11th March, the Attorney General introduced yet another Bill, which was for appointing a Law Reform Commission. An animated discussion followed, which lasted the remainder of the day. Mr. Ritchie opposed it as the basis of a job; he said the proper Commission would be the Attorney and Solicitor Generals, with the Master of the Rolls, who are already paid. The Speaker opposed it, because he thought the Chancery Court ought to be abolished. Mr. Needham opposed it, because he thought Commissions a useless expense, and because he had himself prepared a Bill. Mr. Hanington considered the Commission useless; he said the late Attorney General, if in the House, would have had a measure prepared now; that it was the duty of the Attorney General to do so, and that the country would not pay such a salary for merely attending to criminal business. The Attorney General hoped they would not hastily reject so important a measure, but would allow it to lie over until Mr. Needham's Bill was disposed of. He spoke warmly and frequently. On motion

to report progress, the Government were sustained by a majority of only *one*—the numbers being 19 to 18.

Instead of alluding any more at length to this discussion, which was resumed on a subsequent day, it will be enough merely to state here, that the Attorney General succeeded in carrying his Bill. Mr. Needham's Bill was, therefore, set aside, and the Commission appointed, while Mr. Needham was chosen Secretary to the Commission.*

After two years' labour, three volumes of the Laws, codified, and well bound up, were brought forth, and are now useful as a standard reference, the embodiment of all the unrepealed Provincial Laws, enacted from the first settlement up to that period.

On the 19th, the Revenue Bill was finally passed—after numerous discussions, which were continued from day to day. Its leading character had a strong "hankering for protection"—not, however, exactly satisfactory to either party—Free Traders or Protectionists—but, to use a common expression, a kind of "give and take affair." A specimen of the animated *talk*, by which the consideration of this revenue measure was always accompanied, is here given for the edification of the reader. Mr. Gray moved a resolution, to the effect that the House adopt the Bill as proposed. This motion caused great excitement. Messrs. Ritchie and Partelow declared the resolution unconstitutional. The Speaker thought otherwise. Many members met this with cries of question. The Speaker in one case was put down, but after explanation was considered to be right. Mr. Hayward said he never saw such disgraceful conduct. Mr. Barberie called the House a bear garden. Mr. Ritchie threatened to move the standing order. Mr. Gray withdrew his resolution, and proposed that the vote on Corn Meal be re-considered, and 1s. per barrel be imposed, in order to test the House if willing to support the Bill. Mr. Partelow spoke against the reduction in the duty on molasses, as causing a loss to the revenue of nearly £3,000, without adequate benefit to the poor. Mr. Ritchie spoke strongly against the duties on wheat flour.

* The Commission consisted of Hon. W. B. Kinnear; and J. W. Chandler, and Charles Fisher, Esqrs.

CHAPTER XXX.

Halifax and Quebec Railway — Nova Scotia Delegate's return — Mr. Hawes' Promises to Mr. Howe — House rejects the Imperial propositions to build the Intercolonial Road — Mr. Howe visits St. John — Addresses a Public Meeting — The tide of Public Opinion changes — Feelings in favour of the Intercolonial Scheme — Attempt to upset the European and North American Railway Company frustrated — Earl Grey becomes more intelligible — The Quebec Bubble bursts — Judges' Fees — Foremen of Grand Juries to be made elective — The Court practice up to 1850 — Foremen absolute — Crown Officers beyond the reach of Public Opinion — Want of Confidence Resolutions.

April 1st.—Despatches from the Colonial Secretary were laid before the House, respecting the Halifax and Quebec Railway—in which Earl Grey expressed a willingness to ask the Imperial Parliament to guarantee the interest on the money required, provided the Provinces interested would be willing to pledge all their revenues to the Crown as a first mortgage or lien to meet the amount. In order to be still more guarded, His Lordship intimated that other stipulations at present not advanced, would be asked in due time, should the Provinces interested be willing to accept the money and conditions. It was also intimated, but in such a way that the language was susceptible of more than one interpretation, that the "European and North American Railway" project might be considered as part and parcel of the same concern. It afterwards turned out that the language in this regard (to use a quotation a little altered) was used

in the Despatch, for the purpose of concealing the Minister's thoughts; for when Earl Grey was afterwards reminded of his Western extension promises, he declared that he could not see his own language in the same light as it was understood by Mr. Howe, to whom the promise had been made. However, the tenor of the despatches did not, at the time, satisfy the people of this Province, that Earl Grey meant to include Western extension, with the exception of a few persons who, because they wished to have it so, could see nothing else. The people of St. John were particularly hostile to the whole scheme. Mr. Howe, it was said, proceeded to England to obtain assistance for the Nova Scotia section of the European and North American Railroad—the Halifax and Quebec scheme having been considered dead beyond the hopes of resuscitation. In addressing Earl Grey for a guarantee for a line which both Provinces at the Portland Convention, and by subsequent Acts of the respective Legislatures, had agreed to build in concert with the State of Maine, the Colonial Secretary took alarm, lest, it was presumed, the building of the Western road in preference to the Intercolonial, might be the means of leading to the supplanting of the English Government in the affections of the Colonists, owing to the better facilities of intercourse between the Maritime Provinces and the neighboring Republic. His Lordship, accordingly, through a letter addressed by Mr. Hawes (Under Secretary) to Mr. Howe, the Nova Scotia delegate, revived the old Intercolonial story—expressed a willingness to do something for that—(but which something, as before stated, nobody could clearly define—especially in regard to the Western branch, unless it was Mr. Howe, and it afterwards turned out that either he was mistaken, or Earl Grey did not know what he meant himself,) provided the Colonies, or Nova Scotia rather, through its Delegate, would reverse its course, or turn its attention primarily to the building of the Halifax and Quebec Railroad. Mr. Howe (to the disappointment of the friends of the European and North American Railway in this Province) at once seized the opportunity, and subscribed to Earl Grey's proposition. From that moment the doubloons began to fly through the brains of Politicians with a charming rapidity. New Bruns-

wick, however, still remained true to her first love. The House was in Session, and Mr. Gray offered a resolution, which was unanimously sustained, condemnatory of the demands of Earl Grey, that all our revenues should be made a condition precedent to the English Government undertaking to offer the guarantee. In another resolution he said we were now engaged in a work which required all our zeal and resources. Mr. Ritchie agreed generally with Mr. Gray. He also condemned the conduct of the Home Government throughout this affair in unmeasured terms; the conditions sought to be imposed were such as would make us all slaves to Downing Street, binding us body and bones, and the next generation also. He did not think the British Government would guarantee the sums named in the Facility Bills passed this Session, but he cared not, he was prepared to rely upon our own resources. Mr. Porter passed some very severe remarks upon the mercenary spirit of British Statesmen. Mr. Hanington thought speeches upon the Resolutions unnecessary. They expressed his sentiments, and he would support them. Mr. Botsford condemned the conditions proposed. He believed Earl Grey, in offering even this measure, was actuated by a desire to send convicts to these Colonies. Capt. Robinson would support the Resolutions. Earl Grey had been too roughly handled. Every Colony sought aid of the Home Government for Railways, and the minority were afraid that if they acceded to one proposal they must to another. The convict scheme had been suggested by Mr. Howe. As to a guarantee upon Colonial Railways securing capital upon 3½ per cent. he did not believe it. He believed that no money could be procured for those works under 5 per cent. Mr. Williston said the terms were such as Earl Grey knew we could not consent to, and regarded the despatch as a scheme to set the matter at rest. Mr. Johnson approved of the Resolutions, excepting the expression that the St. Andrew's and Quebec line will prove remunerative, and the instructions to the Executive to ask a guarantee from the British Government on the grants in the Facility Bill, as he thought such an application must injure our credit in England. He believed Earl Grey's motive in calling our attention to this line just now, was

only to cause delay, and prevent the European and North American line from going on. Mr. English was opposed to renewing the pledges already made in aid of the Halifax and Quebec line; the offer had been rejected, and he thought the Province now had enough on its hands. He was also opposed to seeking a guarantee; they had better rely upon their own resources. Mr. Hatheway would vote most decidedly against renewing the pledges of 1849 and 1850. Mr. Needham did not know how to vote, as he had not read the correspondence. He was opposed to renewing the pledges. He hoped the matter would stand over until to-morrow. Mr. Gray was somewhat anxious about an early decision, as the Legislature of Nova Scotia were that very day considering the same subject. If hon. members wished, however, he should not object to its standing over.

An Address to the Queen, in which the Legislative Council concurred, was drawn up and forwarded, rejecting Earl Grey's proposition.

St. John was the head quarters of scepticism. There the advocates of the European road could see nothing in Mr. Hawes' letter to Mr. Howe, but a disposition to hoodwink —promises that seemed incapable of fulfilment. Having been so often deceived in the Quebec scheme, and now having one before them that really appeared to be practicable, or within the means of the Province to build, the Railroad Company resolved, notwithstanding Nova Scotia, to stand by their pet scheme, (the European and North American) keep to their promises, and upon the right track. Shortly after Mr. Howe's return from England, however, he visited St. John (in the month of June) for the purpose of converting the Halifax and Quebec Railroad opponents over to his way of thinking. His first step was to have an interview with the members of our Government. The amount of gold that would presently be thrown into their lap, no doubt, was made quite apparent to them, (not deceitfully so.) A public meeting was called at the Mechanics' Institute, where the hon. gentleman delivered an address. Now mark the inconsistency by what follows. Gradually the chamelion began to change its colors—the public opinion of St. John lost its equipoise, and then touched the beam. Some people

now saw for the first time that western extension was *sure* in Mr. Howe's promises. We could not, therefore, have a better chance of raising the money than by making common stock of the whole concern. A meeting of the European and North American Railway Company was called. A resolution was offered for suspending further operations, since the chance of obtaining the money for building all our Railroads were so propitious—in a word, it meant to yield to the outside pressure of a fickle minded people, or rather such as are susceptible of being wheedled at any time for any purpose. The writer of this, moved in amendment, that the Committee proceed in their labours in obtaining stock, without regard to any other project. A lengthy discussion followed; but the amendment was carried, and the consistency and dignity of the European and North American Railway Company were sustained. The object with some parties at the meeting was to trip the Company up—to compromise it in such a way that it could not proceed any further upon its own responsibility. It was fortunate that the amendment was sustained; for the great Quebec bubble burst in a short time afterwards, when the proper test came to be applied—when Earl Grey, in a subsequent despatch, repudiated such an idea as a promise to afford assistance to any other than the Intercolonial Railroad. It may be here added, that the European and North American Railroad has since been built independently of the Imperial guarantee, while the first sod of the Halifax and Quebec Railroad remains as firm in the ground as ever, and likely to remain there for some time longer, notwithstanding the *sharp diplomacy* that has been going on for the last two years! *

The foregoing remarks, although not in the order of our Legislative narrative, could not be used in a more suitable place—nor the circumstances mentioned be very well omitted, since they have had so much to do and will continue to have, with the regular Legislative proceedings.

April 2.—Mr. Ritchie's Bill, for abolishing the fees of the Judges, was taken up. The Attorney General opposed it as reducing salaries, in addition to the reduction already made

* The European and North American Railway will be again referred to briefly in the proper place, for the last time.

by the Act of the House; this was no retrenchment, the money came out of the pockets of Suitors, and it could not pass without a suspending clause. Mr. Hanington said, in the Bill fixing salaries, no fees were contemplated, these were onorous and a direct tax; Lawyer's fees were reduced first and third, and so may these. Mr. Botsford said the principle was incorrect, that men dispensing justice should derive salaries from fees. The Speaker agreed. Mr. Hatheway was not surprised at the Attorney General's conduct, it agreed with his enunciation that he would go for retrenchment, but not to interfere with the salaries of the rich. Mr. Hayward would go for the Bill. Mr. Williston also supported it. Mr. Taylor said this was the proper plan for retrenchment. Mr. Johnson supported; he said if we are not able to reduce fees without Earl Grey's permission, it was time to try the question. Messrs. Beardsley and Thomson were opposed to fees. Mr. Ritchie replied to the Attorney General; he said it was an important retrenchment. All the speakers repudiated the idea of so far submitting to the dictation of the Colonial Office. The Attorney General, Messrs. Rankin, Montgomery, and Robinson, only voted against the Bill—and 32 voted for it.

On the 7th April, a Bill for making the Foremen of Grand Juries elective by their fellow Jurors, was under discussion, and passed the House. Up to this time the Foremen were appointed by the Court; and these gentlemen were consequently sometimes quite absolute in their bearing towards their fellows. Instead of all being on equality, in the disposal of the routine business and rules peculiar to Grand Juries —for instance, in adjourning meetings, and fixing time for re-assembling—the Foreman had the direction in his own hands. Jurors could not put questions to witnesses until the Foreman had exhausted his quiver of queries, and then any other Juror might try his ingenuity upon the witness; but the Foreman was the presiding genius, and directed the proceedings with a scrupulous regard to his own sovereignty, and the submission of witnesses and interlocutors. This measure was, therefore, quite a relief to a custom that should have been exploded many years earlier. Another matter relevant to the Court business may here be mentioned, while the

opportunity presents itself, for the benefit of the rising generation of politicians, and it will serve to shew another of the baneful effects of the irresponsible system of the times. Grand Jurors were obliged to dance attendance upon the Court from day to day, without doing any business, for the accommodation of the Crown Officers. The time of Jurors, in the opinion of these gentry, counted as nothing. Instead of having the Bills of Indictment and witnesses all ready at an appointed hour, for a particular day, the Grand Jury, on assembling at 11 o'clock, if that happened to be the hour, would have to remain in idleness and desultory conversation perhaps for half a day —because the Attorney, or Solicitor General, had not found it agreeable to his comfort, to be on hand to "proceed to business." Grand Jurors of the present day have very little conception of the "pains and penalties" to which their forefathers in the Jury Room were exposed. The Crown Officers were beyond the reach of popular control; and they exercised their functions towards Jurors as it suited their convenience, while the public had the honour of standing in the vestibule, and bowing uncovered, as they marched in and out of the Court, without having the satisfaction of being placed in the witness stand, to declare against a system, the effect of which went deeply into the pockets of Grand Jurors. The times are now altogether changed. The Foreman is only a Juror like others, leading to a certain extent—but no longer enjoying the privilege of dictating and directing at the same time. Nor are the Crown Officers the men they used to be. If an Attorney General, at the present day, is not ready according to promise, with his Bills, the Jury adjourn—not as once upon a time, from hour to hour, and day to day, but for several days at a time; and if the business of the Court is still in arrears, they will not tarry, but keep on adjourning. Now the effect of this promptitude to business awakens corresponding alertness all round; for seeing that twenty four respectable men, in the Jury Room, are determined not to be trifled with, the Crown Officers are up to their work, and equally anxious to guard against the "Law's delay." But, to proceed—

Mr. Ritchie moved another series of resolutions, complaining of Colonial Office interference, the conduct of the Gov-

ernor, and condemnatory of the Government. The preamble declared that local self-government had been conceded to the Province, and the resolutions were accordingly based upon this presumption. The first declared that the House were entitled to full copies of all despatches, affecting local interests, to or from the Colonial Office, when called for by any member. The reply of His Excellency to an Address of the House of 21st, was therefore unsatisfactory, inasmuch as mere extracts from a despatch could not convey the full meaning of the Colonial Secretary. The second resolution set forth, that all appointments to office were vested in the Governor, *by and with the advice of the Executive Council;* but inasmuch as His Excellency had, of his own will, and contrary to the advice of His Council, appointed a Chief Justice and Puisne Judge, the proceeding was altogether inconsistent with the principles of Responsible Government. It was therefore due to the rights and interests of the people of this Province, and to the dignity of their own position, that the members of the Executive Council should have resigned their seats. The next resolution complained of the dictatorial nature of Earl Grey's despatch, (in reference to the above appointments.) The next was, a complaint that the Government had not introduced a measure of retrenchment in the salaries, beginning with the salary of the Lieutenant Governor, and cutting off all below him. They, therefore, failed to realize the just expectations of the people of this Province. The next was in reference to the refusal, of the British Government, to allow the Colonies to grant bounties for the development of their own resources, "which was a direct interference with the constitutional rights of the people of New Brunswick," as we have a right to use our own means for our own advantage. The next was condemnatory of the course of the Attorney General, in having subscribed to the principles above condemned, and thus accepted them as the future policy of the Government of this Province. The last resolution was in favour of developing our Agricultural interests by Legislative assistance.

Another "trial of strength" was to follow these resolutions.

At a subsequent date, (on the 14th,) the House proceeded

to the consideration of "the State of the Province," when Mr. Ritchie's resolutions were taken up. The mover spoke for two hours and a half. He reviewed the history of Responsible Government, shewing the principles on which it was based, from Lord Durham's report, and Earl Grey's despatches. The old sore, that burst into rebellion in Canada, was the irresponsibility of Colonial authority, and referring everything of importance to the Home Government. The Minister had now taken away the Constitution ceded to the Province, and would, if allowed, assume the right to appoint to every office—referred to the speech of Lord John Russel, and the declaration relative to the Rebellion Losses Bill, to shew that he intended the Colonies to have the entire control of their own affairs—his declaration relative to the Governor General's salary, to shew that the Colonists were allowed to decide what the salaries should be; and would they now submit to dictation from Earl Grey? He then took up the despatches, and, at length, shewed where most important parts were omitted, and asserted the right of the representatives to all despatches when required—dwelt on the recent appointments, and insisted the Government should have resigned. If they had done so, the country would have approved of their conduct, and no traitor would have dared to take offence. He spoke of retrenchment, and the Attorney General's enunciation, in which he adopted the principles of the despatch, that declared the Governor's salary not too high; and last, spoke of the agricultural interests. He ended by declaring that remonstrance was not the proper mode of proceeding. Mr. Partelow made a short speech—he said the Government knew nothing of the two last despatches sent by the Governor, about the appointments—*they were written on his own responsibility*—the Government did not resign, because it was in the recess—they waited till the despatches were laid before the House, and their opinion pronounced. If the resolutions passed in their present shape, it would amount to a vote of want of confidence. He was in favour of Responsible Government, and wished it defined and carried out. The Attorney General replied; he said the Government had acted fairly on the whole. The Council did not agree, and

gave him no advice; he did what was best under the circumstances, and afforded all necessary information to enable the House to form an opinion; the principle now proposed had never been proposed before—that nothing should be withheld. If any discretion was allowed, the Governor was the proper person to exercise it. The facts relating to the appointments were well known, when the resolution was proposed at the opening of the House, by passing by them; then the House approved of the conduct of the Government; this should not be drawn into a precedent, and was made subject of grave remonstrance, which he considered the proper constitutional course. The conduct of the opposition looked like persecution. Mr. Gray took up the question of bounties—he read all the despatches and the resolutions of the House on the subject—asserted the right of the Province to dispose of its revenues—on the question of the appointments the Government ought to have resigned—three Judges could not carry on the business of the country—he referred to the conduct of the Executive resigning on Mr. Reade being appointed Secretary by Sir William Colebrooke, as a precedent—he spoke of the reduction of salaries, asserted the right of the House to regulate salaries, but where a compact had been made, public faith should be preserved—the principle was not, for how little offices could be filled, but for what sum we could get the best men. Mr. Barberie said, this question was tried at the opening of the House, and was now brought up again, they had better be doing the business of the country. The Government had pursued a prudent course for the benefit of the country. The conflict was with the Colonial Secretary, and would their resignation affect him? Both Houses should join in remonstrance; it was no use flying in the face of the Government. John Bull could not be forced—what other course could they take unless to resist—he was not prepared for this—Government should not be held responsible for what they knew nothing of—they should remonstrate on the reduction of salaries, and not submit to such interference, without speaking out in plain terms. He agreed in all that had been said about dictation and bounties, but could not agree to these resolutions, because of the Jesuitical way in which they were

dovetailed into others. The Committee appointed on Agriculture agreed on nothing—what could the Government do? Mr. Crane said he would support the first resolution. If Mr. Ritchie's definition of Responsible Government, and of the rights conceded, be correct, then they should address Earl Grey, and tell him he had violated the Constitution. The reduction of salaries was of more interest to this country than any other, and the question would have been settled long ago, but for the misunderstandings among themselves. Mr. Tilley said, there was no greater proof of the justice of their position than that they had allowed the Government sixty nine days to show what they would do, before they were put upon their second trial—the duty of the Government was to resign when the appointments were made. A Government that trampled upon the rights ceded to the Colonies, did not command the respect of a free people. Unless there was a reduction of salaries, the country would not be satisfied. Mr. Hatheway said, common sense was now paramount to Law, and the desire of the people could not be restrained by technicalities. The Attorney General had done nothing to prove his skill and liberality, and entitle him to his position. All the measures introduced originated with the former members of the Government; he would try him on his conduct since the opening of the Session. Mr. Robinson said, in effect, that Earl Grey and the Government had done right; Earl Grey must have laughed when he got the despatch. If the Government were turned out, how strange our legislation would appear, when it was found we had given four years' revenue to the greatest set of rascals in the Province. He would oppose all the resolutions. Mr. Hanington said a *responsible* Government was the only one to bring the Colony into a proper state—he briefly defended the former Government—alluded to the Attorney General saying the Government was corrupt—to admit of appointments by Earl Grey, was to admit the foundation of British supremacy on this Continent—no Government could stand if not prepared to reduce salaries—he did not believe the Attorney General sincerely intended to do so—a fine system, if the Governor could send home despatches without the knowledge of his Council! It should be

stopped, if in no other way, than by having an Elective Governor—he would support the resolutions, because he believed they were for the interest of the country, let the consequences be what they might. He had other resolutions to propose. He said he approved of the despatch relative to Elective Councils, and for the immediate reduction of salaries—the Governor to £1,500, and the Judges to £600. Mr. Needham commented on the despatches, and the letter of the Governor; asserted that the compact had been violated by the Home Government—he advocated the reduction of the salaries of the Governor and others. Mr. Wilmot said the Government should have resigned on the appointment of the Judge; in doing otherwise they betrayed the rights of the people; the state of the country was not so much owing to high salaries as to a bad system of Legislation. On the questions affecting the labour of the country, the Attorney General had stood right. Mr. Steeves wished to judge the acts of the Government on such principles as they ought to be judged by; they should take care to hand down, unimpaired, the right which they possessed. He believed three Judges were sufficient. If the Government carried out such principles as those contained in the Minute of Council, they would find men supporting who now opposed them; if the principles of the Constitution were allowed to be violated, anarchy and confusion would follow. He then entered into the general expenses of the Government. He said he believed these might be reduced to £10,000, or £12,000. Mr. Williston supported the amendment at length—he said the people were not taxed in any way, by the Home Government; they were as free as the wind that blew, or the waters of the river St. John. Mr. Gordon said many speeches had been delivered to little purpose—he approved of several of the resolutions, but they were so blended with others, it was hard to take one without the whole; he thought this a repetition of the former dose; he wished to give the Government a further extension of time for trial. Mr. Porter did not believe we had Responsible Government, and the Governor was right to exercise his prerogative. Mr. Street spoke for over an hour and a half, in reply to all in opposition; he said he had been attacked by the papers; charges

had been made against him as false as any thing could be; he was opposed to the reduction of the salaries of the present incumbents, but he would go for prospective reduction, from the Governor down; he wished he could reduce the Surveyor General's salary, it was twice too much—he defended his own conduct since he had been in office.

Mr. Ritchie finally closed the debate.* It is not necessary to notice the many divisions that took place from time to time upon the resolutions and amendments, in the course of the discussion. It is enough to show the result, and that the star of the Government was still in the ascendant. The opposition, however, hailed the result as a great Liberal victory; for on the principal resolutions the votes stood 19 to 21, thus reducing the Government majority of seven, at the beginning of the Session, to only two now. This was all very well for the time being, to revive the staggering hopes of those who, in the former trial of strength debate, had been so greatly disappointed at the opposition defeat. But these figures by no means denoted the substantial strength, or weakness, of parties. Had there been a direct vote of want of confidence taken the next day, instead of the Government being in a majority of only two, they would have had their old number back again, with perhaps two or three added. Liberal politicians of the oscillating order, could only be relied upon from day to day. Had the 19 who voted on the Liberal side in this debate, been all true men, the Government were virtually defeated, as the opposition declared them to be—but in the absence of an honest obedience to party principle and political integrity, the Government stood as strong as they ever did. The debate was, therefore, only useful so far as it brought out the opinions of hon. members, for the information and guidance of their constituents. In this respect, perhaps, it was worth all the money which the time of the House cost, because it was ultimately to tell on the side of Liberal Institutions.

* This debate was continued from day to day, occupying nearly a week, and the chief points are preserved above, that the young politician may comprehend the difficulties with which the early Reformers had to contend, both in the House and in the Newspapers, ere Responsible Government became fully established.

CHAPTER XXXI.

The Legislative Council and House of Assembly at loggerheads — Pay of Council Members stopped — The Council retaliate — The House backs down — Standing Order moved — Galleries cleared — Another attack upon King's College — Initiation of the Money Votes — Annual Estimate — Reduction of Salaries — Imprisonment for Debt — Horrors of the old English system — Messrs. Gray and Wilmot leave the Opposition and join the Government — Great excitement — Appeal to Public Opinion — Mr. Wilmot sustained by his Constituents — Three of the Liberal Members for St. John throw up their Seats in disgust — New Election to fill their places — Members returned.

In consequence of the Legislative Council having rejected the Bill for rendering their body elective, the House, on the 9th, refused to vote the supplies to pay those hon. gentlemen for their services. This was a system of coercion, very imprudently conceived—for one fault can never atone for another. The following brief outline of the debate will show the sort of arguments used. Mr. Steeves said, the Bill to make the Legislative Council elective, had been rejected up stairs, and he was not prepared to pay them while constituted as at present—and moved that the Bill to provide for the pay of the Members of the Council, be postponed for three months. Mr. Hatheway seconded; he was willing to forego his own pay in order to discharge his duty to his constituency. Mr. Beardsley supported the motion for postponement; the Council had rejected the Elective Bill, and three important Bills passed in this House—they

had better rise *en masse*, and wage war with them at once, if they were determined to obstruct. Mr. Johnson proposed the Bill for the convenience of the House—he would oppose as far as his own interest was concerned, but would not vote on the ground that the House was coerced by the Council. The Council was an independent Branch, and should not be coerced by the House. Mr. Wilmot would vote for the Bill, as he thought the Council ought to be paid; but as there was an attempt to coerce the House, he would oppose it. Mr. Robinson thought the country did not desire the Council to be made elective; he would oppose the Bill, and so try the patriotism of members, through their pockets. Mr. Ritchie said, if ever there was a point on which the people were united, it was this—the Council were responsible neither to the Crown nor the people, but opposed the wishes of both; he would, therefore, vote against the Bill. Mr. Tilley opposed the Bill—he said the Council were supposed to represent wealth and influence—they did not, therefore, require pay; the Lower House was different. On another occasion we were told, if you do not vote for one measure, the other will be lost in the Council. Mr. Thomson was always opposed to paying the Council. The Representatives were agents for the people. The Council represented themselves. The Lords were never paid—the Commons were, until last century. Mr. Chapman said, there were constant complaints against the construction of the Council; the country required them to be elected, but he did not think that question affected, whether they were paid or not, and would support the Bill. Mr. Hanington said his opinions were well known; he did not think they ought to be paid, and would not now vote for it even if he had been inclined, after it had been stated that the Council would not pass the other Bill, if this is not passed. Mr. Taylor said the course pursued by the Council deprived them of confidence, therefore he would not pay them. The Speaker had always opposed paying the Council; he was surprised when it was said last year that the Council was dependent on the House; now the complaint was that they were independent and a check. Mr. Needham warmly opposed the Bill, commented on the Council keeping back the Bill for members'

pay for six weeks—he said they were a mere picture gallery, faintly representing the House of Lords. Mr. Ryan would have no objection if the Council were properly selected from the Counties; but six of them belonged to Fredericton, and so all through. Mr. Cutler was constrained to oppose the Bill, from the course pursued by the Council. Mr. Macpherson thought half the members of Council would do better, and the expense was too high. (The Bill was lost.)

The Council, in retaliation, refused to sanction the pay to members of the Lower House. This subject was debated down stairs a few days afterwards, when many hon. gentlemen changed their minds—so that it was at last agreed—17 to 10—that the Council should be paid; and thus the difficulty was brought to an end.

April 10th.—The "standing order" was moved, and hon. gentlemen discussed matters with "closed doors." The reason for this was, that Mr. Johnson drew the attention of the House to a report in the Head Quarters, in which Mr. Barberie was made to say that a statement of his (Mr. Johnson's) was a base fabrication; he did not so understand him, and did not think the language was used. Mr. Barberie, some time after, at the close of a speech, said the reporter was perfectly correct; he adopted the report, and was willing to repeat it. Mr. Johnson then moved that the Chairman leave the Chair. The galleries were accordingly cleared, and there was said to have been a free exchange of compliments among all the most interested, the sarcasms used being more pointed than polished.

It was resolved that the salary of the Treasurer of the Province be reduced from £600 to £500.

April 12th.—Mr. Hanington offered a series of resolutions in regard to King's College, the main purport of which was that the Legislature should address the Home Government, asking Her Majesty to withhold the annual allowance (£11,000) from the College, and authorize the funds to be devoted to a more useful purpose, *because* "the returns from time to time laid before this House shew that but a very limited number of persons have availed themselves of said establishment for the objects of education, making apparent the inefficiency and failure of the Institution for the

purposes intended, involving, as it does, an expense far beyond what the people can any longer bear, and entirely at variance with the condition, or wants, of the country; and whereas it is the opinion of this House, that the time has now arrived when the expenses of the said establishment should be materially reduced, and its revenues applied to a system of education better adapted to the wants of the country, and of more general benefit and advantage to the people of this Province."

April 24th.—Mr. Hanington moved a resolution to the effect that the offices of Surveyor and Postmaster Generals be made political, and that the officers themselves should hold seats in the Executive Council, as soon as the change could be conveniently made. Mr. Barberie thought there were too many Generals in the House already. Dr. Thomson said it was all "absurd nonsense." Mr. Fitzgerald thought the Treasurer should be a political officer. The resolution was carried by a large majority.

April 25th.—Mr. Scoullar brought up his resolution pledging the House in favour of surrendering the "Initiation of the Money Grants" into the hands of the Executive Government. Mr. Johnson proposed an amendment, that the initiation should not be given up until Municipal Institutions were first in operation. Mr. Needham would not surrender the right until we first had "Party Departmental Government." Mr. Ritchie thought the "initiation" being in the hands of the Government would be the means of bringing those other reforms about. The resolution was finally carried—17 to 10.* Now this was one of the most important resolutions ever introduced into the House of Assembly, upon one of those principles that engendered half the party strife of the day, and yet it elicited no more discussion than had it only related to some small Parish affair. Here was an example of the good effects of agitation, and the information thereby generally diffused; for the people were ripe for the measure long before their Representatives were willing to relinquish the power which this money influence always gave to them.

* Shortly afterwards the House repealed this resolution.

The next reform of importance demanded, was the preparation by the Government of an annual Estimate of income and expenditure, which should be laid before the House by one of their members early in each Session. The system then in use, as already repeatedly referred to, was unsafe, unsatisfactory, and expensive. The House had now been in Session about two months; and at least ten days had been frittered away, in discussing every item to be voted in supply. A grant of £10, or any other inconsiderable sum, would sometimes cost the Province £30 in the discussion. When there were several hundred items to be disposed of in a Session, and every one subject to criticism all round the desks, absorbing time paid for at an exorbitant rate, it will be acknowledged that the evils of the system were most pernicious. But the remedy was forthcoming. The Press and the Reformers were now more active than ever, and determined to have every necessary reform brought about as speedily as possible.

April 26th.—The last exciting debate of the Session which took place, was on a notice of the Attorney General, that the House should go into consideration of a Bill to fix the salaries of the Attorney and Solicitor Generals, and the Secretary, immediately—those of the Surveyor and Auditor Generals, and the abolition of the office of the Receiver General, in prospective. Mr. Street stated that he did not think that the Secretary's or Solicitor's salaries too high; that of the Attorney General might be reduced to £500. He used his former arguments to shew why the other salaries should only be dealt with in prospective. Mr. Gilbert proposed a list of salaries, beginning with the Governor at £1000, to be taken *en masse*, as this was the only way a reduction could be effected; if taken one by one nothing could be done. This amendment was declared unparliamentary, and lost. Mr. Johnson proposed an amendment, to make an immediate reduction in the salaries of Governor, Surveyor, Auditor, Receiver, Master of the Rolls, and others. Mr. Ritchie said the Bill amounted to nothing, it would effect a very inconsiderable saving. The Speaker advocated a reduction in the salaries of Surveyor and Auditor Generals. The Receiver General's office should be abolished. The agree-

ment made with the Master of the Rolls should be adhered to, and the reduction of the Governor's salary should be prospective. Mr. Wilmot thought we should pay no salary to the Governor. The Home Government should pay him while he was nominated by them—if he was elected, then he would pay him £1500. Mr. Partelow thought that, while so high a salary was paid by the Province to the Governor, people must be discontented; they should fix what the Province would pay, and let the Home Government pay what besides they might think sufficient to support the dignity of the office. Mr. Street agreed that a reduction should be made for future Governors, but it would be indelicate to ask the Governor to sign a Bill reducing his successor's salary. The proper mode of proceeding was by address. Mr. Gray repeated what he had before said of reduction of salaries—thought for future Governor £1500 sufficient—had a right to reduce other salaries, but it would be impolitic. Mr. Barberie said the men who clamoured for reduction had gone home to St. John. Mr. Taylor thought it too late to introduce so important a measure. Mr. Earle was not satisfied with the Bill, it did not go far enough, thought it best to proceed both by Bill and remonstrance. Mr. Crane said, if they really desired reduction, they had better separate what they could effect from what they could not, than destroy both by joining them. Mr. Cutler thought £1000 too low a salary for the Governor. Mr. Robinson said, they had reduced other salaries one-fifth, and would they reduce this £2000, and make the salary lower than that of the Governor of Prince Edward Island?

Progress was reported, and as the Legislature was upon the eve of being prorogued, the subject was not again brought up. All that was agreed upon was an Address to be sent to Her Majesty, proposing to place the Hon. Mr. Baillie upon a retiring allowance of £500 a year.*

On the 29th, Mr. Needham introduced a Bill to abolish imprisonment for debt, and substituting the Law of attachment, which was read, and 150 copies were ordered to be

* As will appear hereafter, Mr. Baillie was put on a retiring allowance—and the English Government granted him an additional pension—shortly afterwards he proceeded to England, and died in France about two years ago.

printed for the use of the Legislature. The Session being about to close, nothing was done with the Bill. Several times since the same gentleman has moved in this matter—*but the law of imprisonment for debt* still holds a place upon the Statute Book of this Province. The system is similar to what it was in England fifty years ago; but whether in any respect as severe, the writer is not prepared to say. A few facts, in connection with this part of English history, will be interesting, or appropos, to the present occasion.*

The ancients allowed a creditor to seize his debtor and hold him in slavery. It was a cruel practice, condemned by the most enlightened lawgivers; but it was more rational and humane than the Law of England. By servitude a man might work out his debt: by imprisonment, restitution was made impossible. A man was torn from his trade and industry, and buried in a dungeon: the debtor perished, but the creditor was unpaid. The penalty of an unpaid debt, however small, was imprisonment for life. A trader within the operation of the Bankrupt Laws might obtain his discharge, on giving up all his property; but for an insolvent debtor, there was no possibility of relief, but charity or the rare indulgence of his creditor. His body being the property of his creditor, the Law could not interfere. He might become insane, or dangerously sick: but the Court was unable to give him liberty. A woman died in the Devon County Jail, after an imprisonment of forty five years, for a debt of £19.

While the Law thus trifled with the liberty of debtors, it took no thought of their wretched fate, after the prison door had closed upon them. The traditions of the debtors' prison are familiar to the people of England. The horrors of the Fleet and Marshalsea were laid bare in 1729. The poor debtors were found crowded together on the "common side" —covered with filth and vermin, and suffered to die, without pity, of hunger and jail-fever. Nor did they suffer from neglect alone. They had committed no crime: yet were they at the mercy of brutal jailers, who loaded them with irons, and racked them with tortures. No attempt was made to distinguish the fraudulent from the unfortunate debtor. The rich rogue—able, but unwilling to pay his debts—might

* *Vide* May's Constitutional History of England.

riot in luxury and debauchery, while his poor, unlucky fellow-prisoner was left to starve and rot on the "common side."

The worst iniquities of prison-life were abated by the active benevolence of John Howard; and poor debtors found some protection, in common with felons, from the brutality of jailers. But otherwise their sufferings were without mitigation. The Law had made no provision for supplying indigent prisoners with necessary food, bed clothes, or other covering; and it was proved, in 1792, that many died of actual want, being without the commonest necessaries of life.

The first systematic relief was given to insolvent debtors by the benevolence of the Thatched House Society, in 1772. In twenty years this noble body released from prison 12,590 honest and unfortunate debtors; and so trifling were the debts for which these prisoners had suffered confinement, that their freedom was obtained at an expense of forty five shillings a head. Many were discharged merely on payment of the jail fees, for which alone they were detained in prison: others on payment of costs, the original debts having long since been discharged.

The monstrous evils and abuses of imprisonment for debt, and the sufferings of prisoners, were fully exposed in an able report to the House of Commons, drawn up by Mr. Grey in 1792. But for several years these evils received little correction. In 1815 the prisons were still overcrowded, and their wretched inmates left without allowance of food, fuel, bedding, or medical attendance. Complaints were still heard of their perishing of cold and hunger.

Special Acts had been passed from time to time, since the reign of Anne, for the relief of insolvents; but they were of temporary and partial operation. Overcrowded prisons had been sometimes thinned: but the rigours and abuses of the Laws affecting debtors were unchanged; and thousands of insolvents still languished in prison. In 1760, a remedial measure, of more general operation, was passed: but was soon afterwards repealed. Provision was also made for the release of poor debtors in certain cases: but it was not until 1813 that insolvents were placed under the jurisdiction of a Court, and entitled to seek their discharge on rendering a true account of all their debts and property. A distinction

was at length recognized between poverty and crime. This great remedial Law restored liberty to crowds of wretched debtors. In the next thirteen years upwards of 50,000 were set free. Thirty years later, its beneficent principles were further extended, when debtors were not only released from confinement, but able to claim protection to their liberty, on giving up all their goods. And at length, in 1861, the Law attained its fullest development: when fraudulent debt was dealt with as a crime, and imprisonment of common debtors was repudiated. Nor did the enlightened charity of the Legislature rest here. Debtors already in confinement were not left to seek their liberation: but were set free by the Officers of the Court of Bankruptcy. Some had grown familiar with their prison-walls, and having lost all fellowship with the outer world, clung to their miserable cells as to a home. They were led forth gently, and restored to a life that had become strange to them; and their untenanted dungeons were condemned to destruction.

On the 30th April the Legislature was prorogued. His Excellency's Speech was as pithy and pointed as it was in 1850. One extract will suffice: "Your labours have kept "you at the seat of Government beyond the usual date. *I* "*hope that the occupations which await you at home may not be* "*interfered with by this detention*, and that Providence may "again bless the labours of our farmers with an abundant "return."

MATTERS DURING THE RECESS.

On the 2nd of August following, a terrible bomb-shell was thrown into the Liberal wigwam in St. John, when it was announced that on the 1st inst., two of the leading Liberals —Messrs. J. H. Gray and R. D. Wilmot—had seceded from the Liberal Party, and become Members of the Government. George Hayward, Esq., was sworn in at the same time.

Changarnier, Lamoricière, and Cavaignac, could not have been more astonished on the morning of the *coup d'état*, at finding the keys of their domiciles turned upon them, by the designing President of the French Republic, than were Messrs. Simonds, Ritchie, and Tilley, when the information first reached the City, of the defection of two of their

fellow Reformers. Messrs. Gray and Wilmot having stood side by side with the staunch Reformers, a united phalanx, up to the closing of the Session, their intentions of desertion were never for a moment suspected. It could not be supposed that these gentlemen would join a Government they were elected to oppose, and who, a few weeks before this, did their utmost to destroy. But their friends contended that circumstances had changed since the election. Then there was no Intercolonial Railroad upon the tapis—or in a fair way of being built, provided the Government of the Province would go at it in the proper spirit, and in harmony with the other Provinces. It was, therefore, desirable that some of the most influential of the opposition, instead of standing aloof, or acting factiously, should unite with the Government, for the sake of obtaining a measure which was to bring so much gold into the country. The British Constitution, it was contended, was the result of compromises and concessions. Wellington, Peel, Gladstone, and other eminent British statesmen, had sunk their party predilections for the sake of benefiting the public interests. Why then, it was asked, should any of the opposition in this Province refuse to adapt themselves in the same way to circumstances, when by so doing a great object was to be accomplished? Again, it was contended that there was no unity of sentiment upon the fundamental principles of trade, between Messrs. Wilmot and Gray, and the other leaders of the opposition; the former, it was remarked, were "Protectionists," while the latter were "Free Traders." The Colonial Watchman, (newspaper,) published by Mr. Gillis, considered "protection" paramount to everything else; and hence the wisdom of Mr. Gray and Mr. Wilmot changing their ground.* But aside from these considerations, it was contended by their friends, that having fulfilled their pledges to their constituents in opposing the Government, and finding the Government immovable, it was not to be expected that they should continue in opposition for ever, especially

* In his card a few weeks afterwards to his constituents, Mr. Wilmot said —"I have stated publicly on the hustings and in my place in the Legislature, that I could not give my support to any Administration composed of individuals, holding conflicting opinions on the subject of trade and of general policy, as it would be impossible for them to agree upon measures for the development of the Provincial resources."

when there was a chance of doing so much good, and simply by joining the Government.

Messrs. Simonds, Ritchie, and Tilley, did not subscribe to these reasons; on the contrary, they thought that they had been unfairly treated by their old friends. The only Philosopher among them all was Mr. Needham. He stood like a rock amidst the storm, resolved that no matter what might betide any body else, or what view his colleagues might take of "the position," he was not, for the sake of party, going to risk place, position, or any other present or prospective advantage, by jumping overboard, until he was certain that a fickle constituency would be willing to throw after him a life-buoy, and restore him again to their confidence, and his old situation upon terra firma. There was a considerable amount of common sense in this determination, whatever may be thought of the demands of party upon the hon. gentleman at this particular juncture in our political extremity. As will be seen hereafter, Mr. Needham did not make a mistake, as far as regarded himself, by not making the plunge in company with his colleagues.

The friends of Messrs. Simonds, Ritchie, Tilley, and Needham, held a meeting in the month of August, at which these gentlemen were present. The blow struck at the Liberal cause by the late secession, was considered to be weighty enough for the meeting to mark its displeasure by the adoption of an extraordinary plan. It was agreed that the four members above named, should, in a joint Address to their constituents, express their views in opposition to the course pursued by their recreant colleagues; and at the same time call upon the constituency to pronounce judgment. Should the public verdict prove unfavorable to the conduct of Messrs. Gray and Wilmot, it was expected that these gentlemen would bow to the decision, by relinquishing their seats in the House; but if, on the other hand, the constituency should sustain them, then the other four gentlemen would be willing to give up *their* seats.

This was the simple issue put forth in the card published, and subscribed to by Messrs. Simonds, Ritchie, Tilley, and Needham. Now, to imperil their positions, upon a single throw, seemed to some of the friends of these gentlemen to

be rather precipitate—while others thought that a provocation so grave, demanded an exhibition of earnestness commensurate with the aggravation. It is scarcely safe, however, especially in excitable times, to refer a principle but little understood, to the capriciousness of a constituency; a majority of votes either way, is not, in such cases, always to be taken as a fair test of public opinion. Besides, no County in the Province has ever been more *uncertain* than that of St. John. It has been known to reject men one day, and elect them on the next opportunity that presented itself, not upon a change of principles in the candidates, but from a change of *feelings* in the electors themselves. Several *glaring* instances will be cited in support of this assertion.

But the next difficulty was to know what steps to take, in order to get at public opinion upon the present occasion. Suppose there were to be an election, there was no law to authorize the constituency, at the polls, to vote upon an abstract proposition. To proceed by petition would be a tedious operation; and, after all, persons, perhaps, would sign a petition to-day for Messrs. Simonds & Co., and to-morrow the same ones sign for Messrs. Wilmot & Co. Political faith in those days was about as stable as the sands in Courtenay Bay, subject to tidal influences, of which interested partizans knew well how to take advantage. A man's signature to a petition, therefore, could not be taken as a proof of his conviction—nor where public opinion is so vacillating, could the impolicy of the course pursued by Messrs. Gray and Wilmot be determined through a popular vote, whether given directly at the polls, or by petition to the Legislature.

At length the friends of the hostile members agreed upon a mode of solving the difficulty. The opportunity for trying the question presented itself in the month of October, when the Hon. R. D. Wilmot was appointed to the office of Surveyor General.

The opposition mustered their forces, and selected Allan M'Lean, Esq., as their most available man, to oppose Mr. Wilmot, on his return to his constituency for re-election.

At the hustings, on nomination day, (14th October,) Mr. Wilmot delivered a lengthy and animated speech, to a large and attentive audience. He said "his reasons for joining

"the Government were, that he had now a prospect of carry-
"ing out his favourite principles; the Government had been
"re-organized, and his own views in matters of trade acknow-
"ledged. He joined the Government because he thought
"the constituency of St. John was entitled to a representa-
"tion at the Council Board, and because he thought that it
"was his duty to do so. He did not believe with those who
"thought a man should never change his mind—for there
"were circumstances that warranted a change of principles."

Mr. M'Lean said—"he had always been a Liberal, and the
"advocate of a moderate protection. He was opposed to the
"present Government, because he could not sanction many
"of their acts. The public moneys for roads, bridges, &c.,
"had been used in an extravagant way, and to an alarming
"extent, for electioneering purposes. He felt sorry to see the
"members of the Government, at this time, coming down to
"St. John, to influence the election in favour of Mr. Wilmot.
"It had a bad appearance, and showed they were determined
"to carry their point in defiance of every principle, and to
"strengthen their own hands. He was identified with the
"shipping, agricultural, and manufacturing interests of this
"Province, and, if elected, would do his utmost to serve his
"constituents in an upright and honourable manner."

Messrs. Gray and Ritchie also addressed the people, for and against the recent changes; it was a political tournament, one champion trying to unhorse the other; or rather it might be called, a battle for life and death, the judges to decide being the constituency, by whose decision one of these two gentlemen was to stand or fall, politically. The ingenuity of the lawyer was, therefore, more than ever tried, to make the worse appear the better cause on the one hand, and the better to appear the worse on the other. As neither, however, was a candidate himself, it is not necessary here to revive, or reproduce, the hard and unpleasant sayings that were made use of by them, respectively, on this occasion.*

The election resulted triumphantly for Mr. Wilmot—the number of votes polled were: M'Lean, 623; Wilmot, 896—majority for the latter, 273. Never did mortal men look

* Both gentlemen now (1867) occupy distinguished positions—one as Chief Justice—the other as Speaker of the House of Assembly; while Mr. Wilmot is a member of the Government.

more abashed than the Liberal party, or rather what was left of the party. Never were Government folks more elated, and well they might be—for the popular current had once more set altogether in their favour; and had the *rejected* Mr. Partelow now thrown himself upon his old constituency, he would have been returned, no doubt, two to one over any other person that could have been brought out in opposition. So much for the stability of public opinion in the City and County of Saint John!

In consequence of this adverse decision, Messrs. Simonds, Ritchie and Tilley at once threw up their seats, and addressed their constituents in separate cards, setting forth their reasons, which in general terms signified that they felt that they could no longer represent a constituency that had sanctioned a proceeding which they considered to be hostile to the best interests of the country, and especially to the Liberal party, who had struggled for so many years in trying to reform the abuses of the Legislature and the pernicious system under which the people were governed.

Mr. Needham refused to surrender—he did not know that he was at all beaten. It was a quadruple alliance while it lasted; but it became a tripartite treaty with the Liberals afterwards who surrendered their seats. The wisdom of this gentleman's conduct was interpreted in different ways, as it suited the prejudices of party—while some declared Mr. Needham to be right in holding on to what he possessed, others considered that he ought to have gone overboard with his Liberal colleagues, since he took passage with them to pursue the same voyage for a pre-arranged destination, which meant the breaking up of the Government and all connected therewith. But had the hon. gentleman thrown up his seat, he would have sacrificed something like one thousand pounds, which his Secretaryship to the Law Commission afterwards brought him in.

The retirement of Messrs. Simonds, Ritchie, and Tilley, and the accession to the Government side of Messrs. Gray and Wilmot, did away with the force of all opposition, so that henceforward the Government were to have every thing as they could wish, more so than at any former time, as will more fully appear when we enter upon the Legislative proceedings of 1852.

The gentlemen returned for the three seats just vacated in St. John, were Messrs. James A. Harding, John Goddard, and John Johnston. There was no contest worthy of the name. S. K. Foster, Esq., ran in opposition to Mr. Harding for the City. The Liberals in City and County stood aloof, and there was very little excitement. Mr. Harding was the only Liberal (although not voted for as such) who was returned.

(1852.)

CHAPTER XXXII.

Opening of the Legislature — The Governor's Speech — The Quebec Railroad suggested — Gallery for the accommodation of the Ladies — An English Company propose to build Railroads in New Brunswick — Conditions — Bill for Taxing Wild Lands — "High Church" and "Low Church" — Puseyism — Burnt District Law in St. John — Petition for a Prohibitory Liquor Law — Judges' Fees — Sir Edmund Head's interference — Minute of Council — Judges' Letters of Protest to the Colonial Secretary — The right of the British Government to interfere in local matters, denied — Judge Street severe upon the House — "What is Responsible Government?" — The Attorney General's defence of the Judges — The Government divided upon fundamental principles — Anomalous state of Politics.

The Legislature was called together on the 7th January. In consequence of the resignation of his seat for St. John, by Mr. Simonds, a new Speaker had to be elected. At first there were three candidates—Messrs. Barberie, Hanington, and Crane. As the two former gentlemen held offices under the Government, many members expressed themselves adversely to the claims of either. Afterwards they both withdrew, when Mr. Crane was elected without opposition. This choice indicated the political character of the House—for Mr. Crane had always been uncompromisingly identified with the Conservative party.

On the 8th His Excellency delivered the opening Speech, nearly half of which was devoted to Railroads—the "Euro-

pean and North American," and the "Halifax and Quebec." Allusion was made to the death of the King of Hanover, uncle to the Queen. We were told that Her Majesty's assent was still withheld from the European Railway Act, until certain amendments were made by the Legislature. The general expression, however, was, that it was the wish of the British Government to have the Quebec scheme floated first; because there seemed to be now a dread apprehension in England that the Colonies would run into dangerous proximity to the United States, if the European line were built and not the other. His Excellency was sanguine of the beneficial results of the Quebec line, as will appear by the following extract from the Speech:—"In my opinion, a Railroad linking "Canada, New Brunswick, and Nova Scotia, especially in "connection with a line to the United States, would produce "an abundant return to this Province. I believe that your "Province would increase very largely without imposing ad-"ditional burthens on any one—that millions of acres now "untrodden would supply food for man, and that millions of "tons of timber now standing worthless in your forests would "find a profitable market."

The Address in reply was passed without opposition—moved by Dr. Thomson, seconded by Mr. Williston.

(During the recess, a gallery for the accommodation of ladies had been erected; this was the first Session, therefore, that the House were honoured by the presence of the fair sex. It was predicted that the effect would be wholesome, as it would have a tendency to keep down undignified squabbles.)

The House was in Session upwards of three weeks, and nothing but business of a routine or petty nature was brought forward. Innumerable despatches, from the Colonial Office, about Railroads, were submitted, but it would be a waste of space to consider these subjects at any length. Among the amendments proposed by Earl Grey, to the European and North American Railway Act, were, that the charge should be fixed for conveying Her Majesty's Troops; and that the British Government should be at liberty to purchase of the Company, that portion of the Halifax line (*when built*) connecting with the European, should they think proper at

any time to do so. These amendments were agreed to by the Assembly. Another despatch contained Earl Grey's denial of the (supposed) promise to assist in the building of the European and North American Railway, (as before mentioned.) This despatch, now received officially, was a great blow to the Government—it would have been so to any Government—as it disconcerted all the anticipated benefits that were to spring from the control of such large Railroad expenditures; for it was palpable to them, as well as to others, that so closely wedded were the people now to the European line, that they would have no scheme that did not fully recognize and embrace this road, and make suitable provision for it.

Intelligence was received by the Provincial Secretary, that at the instance of C. W. Archibald, Esq., an Association had formed in England, headed by Messrs. Peto, Brassy, and Betts, for the purpose of constructing the European and North American Railroad, upon certain conditions to be submitted. These gentlemen were considered to be very wealthy, and the greatest Railroad Contractors in the world. They would also be willing to undertake the building of our portion of the Quebec road. They were to have an interview with Earl Grey, when the mail was about leaving England. Our pledges up to this time were £20,000 per annum for "the European" line, and £20,000 sterling for the "Quebec," for twenty years—also land amounting to 2,000,000 acres for the latter, and 1,000,000 for the former. This was considered in New Brunswick strong temptation for any substantial Company to take hold, and profit largely.* The Jackson Company offered to build the New Brunswick sections of the "European and North American," and the "Halifax and

* The following extract of a letter, dated Jan. 9, 1852, received from England, and published in the Halifax Colonist, will amuse the reader who is cognizant of the actions of this *great and wealthy firm*, after they undertook to do the work for us, and finally broke down:—

"The most powerful Association ever formed for purposes connected with North America, has just been organized under the name of the British American Railway Association, including Mr. Jackson, M. P., Mr. Peto, M. P., Messrs. Brassey, Betts, and others, whose names are a sufficient guarantee for all they undertake; they offer to construct on their own account and risk, both New Brunswick lines, and, if necessary, the Nova Scotia and Canadian sections of the Halifax and Quebec line.

"The proposal will be immediately submitted to the Imperial Government, and an outline goes by this mail to New Brunswick."

Quebec" Railroads, upon the Province granting them a subsidy of £30,000 a year for twenty years, and 4,000,000 acres of Crown Lands.

23rd.—A Bill was laid before the House, for imposing a tax on all tracts of land over 500 acres in extent, where there were but five acres cleared of every hundred. When a less proportion was cleared, the surplus was to be liable for the tax. Provision was also made for the assessment, collection, and appropriation of this tax. The subject was debated for some time; and although a large majority was in favour of the principle, it was finally agreed to "report progress," and not come to a decision at the present time.

Quite a "high" and "low" Church discussion took place on the presentation of a petition from Miramichi, praying for a remission of duty on stained glass windows, which had been imported from England for a new Church. Some hon. gentlemen, whose taste for the ornamentation of ecclesiastical architecture was rather of an antique, or aboriginal type, pronounced stained windows in Churches as great pieces of folly. If this was not Puseyism, in its broadest sense, then a certain hon. gentleman would confess that he did not understand what Puseyism really meant. The Attorney General, however, stood up for the Church, as he had always done, whenever assailed by "her enemies from without." He thought that the opinions of those who favoured stained glass, were as much to be respected as those who saw everything distorted that a Churchman might offer for the consideration of the House. A similar discussion took place at a subsequent day,* when a Bill was committed, to erect a Parish for Ecclesiastical purposes in St. John, to be called the Parish of St. James. Some members contended that the Church of England was "by Law established" in New Brunswick—while others denied the right of the Church to any such recognition. The vagaries of, and singular doctrines propounded by members, are not worth repeating here—nor is it necessary to state that the profundity of Theological lore, the recondite and learned disquisitions upon Holy Writ, exhibited on such occasions, were not of that exalted order which one

* For the information of Churchmen, they will find the debate which occurred on the 22nd January, reported in the newspapers of that week.

might naturally expect to find in an Ecclesiastical Court, or in a Convocation of Divines, assembled for the settlement of doctrinal difficulties.

The Act passed at the previous Session, for the abolition of the Judges' fees, was sent to England for the Royal assent. At the same time His Excellency transmitted letters to the Colonial Secretary, written by the Chief Justice, and Judges Street and Wilmot, protesting against the measure. Copies of these letters, with other State documents, were now laid before the House. The following is an extract from Chief Justice Carter's letter :—

"The present measure, if assented to by Her Majesty, would bear with peculiar hardship upon me. Your Lordship is aware that I lately accepted the office of Chief Justice at the reduced salary of £700 currency, being £50 less than the salary I was receiving as a Puisne Judge, and nearly £400 a year less than that of my predecessor, by which arrangement an annual saving of £150 was effected in the Civil List on the reduced scale of salaries.

"The salary of £700, which I now receive, was established by an Act of Assembly which passed in 1849, which gives that salary irrespective of fees, an arrangement which was urged in the debates of that time as preferable to a higher salary proposed, inasmuch as the requisite amounts would be made up by fees, varying with the amount of business and labour. It can hardly be contended that an income of £800 currency (which the proposed commutation would give me) is exorbitant for an office of so much trust and importance.

"I must, therefore, confidently rely on Your Lordship's consideration and protection, and trust that Her Majesty may not be advised to give her assent to any measure for depriving the Judges of their accustomed fees, without some certain provision for the compensation proposed by His Excellency the Lieutenant Governor, and sanctioned by Your Lordship, to which we offer our ready assent."

The letter of Judge Wilmot sets forth—"The Legisla-
"ture of this Province having, at its last Session, passed an
"Act with a suspending clause, to abolish the fees at present
"received by the Judges of the Supreme Court, without
"making any provision in lieu thereof, I have the honour to
"inform Your Lordship that such a measure, if sanctioned,
"will cause a very considerable diminution from my present
"income, to which I cannot give my consent. I am willing,
"however, to accept the commuted allowance proposed by

"His Excellency Sir Edmund Head, and approved of in "Your Lordship's despatch of the 25th November last."

Judge Street's letter was quite lengthy. He argued the case out with the earnestness of a Lawyer, and did not omit a single plea that could possibly assist the cause of the Judges. Another of the public documents sent down was a copy of a Memorandum of Council, in reference to the appointment of a Puisne Judge, (as noticed in a previous Chapter,) contrary to the advice of the Executive Council, and is as follows :—

"The Executive Council, in Committee, having had under consideration the recent provisional appointment of the Hon. L. A. Wilmot, to the office of Puisne Judge in this Province, deem it their imperative duty to bring under the consideration of the Secretary of State for the Colonies, their opinion of the unusual mode of this appointment.

"The Council are willing to admit that the Minute of Council of the 21st October last, on the subject of the Chief Justice's resignation, might be considered as a virtual recommendation of the then senior Puisne Judge of the Supreme Court to the office of Chief Justice; but with regard to the appointment of Mr. Wilmot to a seat on the Bench, by the direction and authority of the Secretary of State, *even provisionally*, without the previous advice or recommendation of any responsible Executive Council within the Province—the Committee cannot but consider it as at variance with those principles of Responsible Government, understood to be now in force in this Province.

"The Committee respectfully request, that His Excellency the Lieutenant Governor will be pleased to forward this Minute of Council to the Right Honorable the Secretary of State for the Colonies.

(Signed) E. B. Chandler, J. R. Partelow,
W. B. Kinnear, R. L. Hazen."
G. S. Hill,

The following are extracts from Sir Edmund Head's letters to Earl Grey, advising the appointments :—

(*Extract from Despatch No.* 63, *Nov.* 5, 1850.)

"The conclusions, therefore, at which I arrive, are—If Your Lordship determines that the full number of Judges ought to be appointed on the occurrence of a vacany, then—

1. That the Chief Justiceship should be given to Judge Carter, and as the appointment is by warrant under the sign manual, that the warrant should be sent out at once.

2. That I should be directed to offer the Puisne Judgeship,

vacated by Judge Carter, to the Hon. L. A. Wilmot, or if refused by him, to the Hon. W. B. Kinnear; and that I should appoint, provisionally, whichever of these two gentlemen may accept the office."

(*Extract from Despatch of Jan.* 10, 1851.)

"With regard to the memorandum of the four members of the Council, I know that I may assure them, that neither I nor Your Lordship have the least wish to pass them by in making appointments in the Colony, but that such an apparent course in this instance is entirely attributable to two causes—

1. That when the subject was formally brought before them, they did not give full or complete expression to their wishes in the matter, so as to enable Your Lordship to act on them at once.

2. That whatever doubt might arise with reference to the Chief Justiceship, no person could doubt their acquiescence in the propriety of offering a Puisne Judgeship to one with whom they were actually serving as their own colleague, in the capacity of Attorney General—nor do I now understand them to object to the appointment, but to the manner in which it is made."

Here was a matter involving a principle even more vital than that which caused a former Government to resign, [when Mr. Reade was appointed Provincial Secretary,] and of which some of the present gentlemen were members. Had they been conscientious that another Judge was not required, and threw up their places and gone into opposition, as on the former occasion, when the Governor disregarded their counsel, and acted as he pleased, the country, no doubt, would have stood by them, and His Excellency would have been put *hors de combat.* A mere formal protest established no principle. The Governor was triumphant.

A Bill was submitted and carried without much opposition, for amending the Law relating to the Burnt District in St. John. The Law, as it stood, limited a certain district in the most business part of the City, to the erection of wooden buildings, in height not exceeding one story. The object of this very necessary Law, was to render this part of the City as *fire-proof* as possible, by compelling persons to erect brick or stone buildings. In all growing Cities such Laws are common—indeed the limited districts in some embrace all

the principal parts of a City. The members of the City and County of St. John having been operated upon by their constituents, or perhaps only by those who felt the inconvenience of the Law, and were not able to erect any other than buildings of wood, agreed to amend the Bill so as to enable wooden buildings to be put up to the height of 27 feet post,* which, if the writer mistakes not, is the present Law.

30th.—Mr. Scoullar presented a monster petition, signed by 9,000 persons, praying for a Prohibitory Liquor Law Bill, which was received, and ordered to be printed for the information of members.

On motion of Mr. Botsford, the House went into Committee on a Bill to abolish the fees of Judges of the Supreme Court, when quite a lengthy and animated discussion followed, not exactly of a party character, but rather in regard to matters involving points of the highest consideration, in which hon. members possessing the *amor patriæ* to any considerable extent, spoke as if they felt that the principles at stake demanded an unqualified expression of opinion upon Colonial Office dictation. Other gentlemen, without reference to their local politics or prejudices, and imbued with no less patriotism, took sides with the English Government, or rather with the Judges, whose interests were assailed.† A Bill of a similar nature had been before the House in 1850, and passed by a large majority; but in consequence of its being late in the Session, the Legislative Council had not time to take action upon it. In 1851 another Bill passed both branches, and was sent home for approval; and the despatches now before the House, in reference thereto, signified Her Majesty's dissent. It was contended by the friends of the Bill, that it was no violation of the Civil List Compact to deal with these fees—for the settlement in 1837 could only be considered as having reference to fixed salaries. The House of Assembly, it was alleged, had always made the question of fees separate from that of salaries. The Judges, on the other hand, had always argued that their fees were virtually as much a part of their salary as if they had been guaranteed—inasmuch as the fees

* This Bill was thrown out by the Council, but it must have come up again afterwards, and passed into Law.

† See official debates of the Assembly, by George Blatch, Esq., for 1852—page 72.

were taken into consideration when the Civil List question was settled. It was contended that since the Legislature, in 1849, had undertaken, and succeeded in reducing the salary of the Chief Justice to £700, and that of the Puisne Judges to £600—to operate prospectively—the Legislature had as much right in 1852 to deal with the fees, even if they were estimated as part of the salary. Nay, more, Judge Parker was appointed to the Bench in 1834, two years previous to the passing of the Civil List Act, and yet the House had the right to deal with that gentleman's salary. It was further remarked, that while the other Judges addressed the Colonial Minister, in opposition to the Bill of last year, for reducing the fees, Judge Parker stood aloof, and would not countenance the obstructive policy of his brother Judges. For this reason, more than one of the supporters of the present Bill, were willing to allow Judge Parker's salary to remain undisturbed.* (In regard to this point, when the Attorney General afterwards got up to reply, he read a private letter from Judge Parker, (of which he was authorized, if he thought proper, to make public use,) complaining as earnestly as did the other Judges, against the attempt to disturb their fees; and if he did not deem it necessary to address the Colonial Secretary, as his coadjutors had done, he nevertheless felt as strongly as they did in the case.) It was remarked that Judge Street was appointed to the Bench in 1845, and that gentleman understood beforehand the sentiments of a former Colonial Secretary, in regard to the rights of the Legislature to deal with all local matters; and it was conceded that the Legislature were the best judges as to the amount of salaries that should be paid to Colonial Officials. And therefore, it was asked, what right had Judge Street to a salary of £750,† when he knew the language of the former despatch, on his acceptance of office? The Chief Justice, (Carter,) it was remarked, accepted his present office at a reduced salary, having received a larger amount as a Puisne Judge; and if the Legislature considered that the reduced circumstances of the country justi-

* Rather a curious principle of justice this—if the *principle* was wrong to allow the Judges' fees, it would have been a violation of principle to favour one more than another, especially upon so flimsy a pretext. If it were right that one Judge should not be touched, it would have been better not to have touched any.

† This amount, it is presumed, includes fees.

fied them in abolishing those fees, the Judges had no right to stand upon what they conceived to be their just dues. With regard to the *legality* of taking those fees, it was not so much a matter of question, as it was the *justice* of the claims upon the fees. It was always supposed, that where fees were exacted by any class of officials, it was on the ground of services rendered. In the present case, however, it was remarked, that there was no foundation whatever to justify the demands of the Judges. Then, again, exception was taken, as regarded the mode of collecting the fees. The Attorney must in every case pay them to the Clerk, whether he afterward got the amount from his client or not, which, failing to pay, his business was stopped; he could not file a single paper in Court, or take one step in a cause, until he had thus qualified himself. Therefore, it was argued, the unjust levying of those fees was a grievous imposition upon Attorneys, and a remedy was absolutely needed. Again it was remarked, that the Judges had no right to consider their salaries and fees as a settled obligation, as two things inseparable; and in support of this view, it was urged that in 1850, when Mr. Attorney General Wilmot brought in his Bill to reduce the salaries of the Judges, that gentleman supported the very Bill which made the fees a separate and distinct matter—which fact alone was enough to negative the argument that the fees and salaries belonged to the same category.

The next question was, as to the right of the Colonial Secretary to override the proceedings of the Legislature in a matter purely local. It was denied that "Lord Grey, or any "other Lord on the other side of the water, had any right "whatever to interfere with the local affairs of the people, "who were taxed to raise and swell the revenues of the coun-"try." Then the glories of *Magna Charter* were descanted upon; and the cause of the American Revolution and separation from the mother country, were loudly talked of. Earl Grey, in a former year, concurred in opinion with Sir Edmund Head, that it would be better to add £100 a year to the stated salaries received by the Judges, *in commutation of all fees*, (to take effect prospectively,) and thus set this vexed question at rest. But exception was taken, (in the present discussion,) to that part of his Lordship's remarks wherein

he intimated, that even this change would have to be with the concurrence of the Judges—thus rendering the opinions of the Legislature and the country subservient to the opinions of the Judges. It was owing to the protest of the Judges, (as before alluded to,) which led to the defeat of the measure of last year; so that the Lieutenant Governor, the Judges, and the Colonial Secretary, it was alleged, had now all the power in their own hands for taxing the people, to the extent complained of, whether the people, with all their self-government, wished it or no. The letters of the Judges were next considered. As the letter of Judge Street was the most irate, and contained several severe imputations upon the House of Assembly, his Honor came in for a double share of attention; while Judge Parker, who had written nothing by the same mail, but, as before shewn, was equally discontented, was commended as the "just Judge"—and therefore received the utmost deference from all the speakers. "If those three Judges had fairly and honestly stated the "facts, it might have been all very well. But in the Upper "House the point was distinctly taken, in the presence of "the Judges themselves, that those fees were illegal; and "why was not that point put fairly and manfully before Earl "Grey? But not one word on the subject was brought for-"ward by the Judges; they had merely treated the whole as "a question of salary; and that was where they had acted "unfairly." Thus spoke one of the members.

Matters had now assumed such a complicated shape, that it was remarked the hand of responsibility could be placed no where. If hon. members asked the Executive Council who were responsible for any thing contained in despatches laid before the House, they were referred to Earl Grey; and when they went to Earl Grey, His Lordship referred them to somebody else. The object in wishing to have the present Bill passed was, to test the principle, and settle it beyond cavil—to ask His Excellency's assent, without a "suspending clause"—and for the country to take time and deliberate upon it; and if satisfied with its spirit, the Law to take effect after a certain date. If on the other hand, assent to the Bill should be withheld after passing the two branches of the Legislature, then the Legislature and the

country would know to a certainty upon whom to fix the responsibility.

The arguments of the Attorney General (Street) in opposition, were quite exhaustive. No Judge that day could have had a better advocate on the floors of the House. He read the letter addressed to him by Judge Parker, from which the following quotation is made :—"Having received my office "in 1834, long before the compact made with the Provincial "Assembly, by which the Civil List was established on a sur- "render of the Crown revenues, the emoluments of which "office were at that time assented to, and subsequently con- "firmed by repeated recognitions ; (and they were in my case "not only a remuneration for my judicial services, but also a "reward for long and valuable services as a Crown Lawyer, "for which I confessedly received a most inadequate com- "pensation at the time, looking to succession to the bench "as the main inducement to continue them ;) I believe it to "be impossible for Her Majesty to assent to any measure "affecting my judicial income without my consent. * * "I mention these particulars, not because I deem it neces- "sary to do so for the information of the Government, but "because I think many members of the Assembly are not "quite aware of the injustice which may be done, by sweep- "ing measures of the sort now complained of, made without "proper enquiry as to their effect on individual cases."

As to the legality, or illegality, of the Judges accepting those fees, it would not do to allow any imputation against their conduct to go abroad uncontradicted. They had been receiving the fees under the "Ordinance Fee Table," ever since the settlement of the Province—precisely according to the same regulations under which every Attorney in the country had received his emoluments. But this was not the place to bring such a matter up, or to set it right if it were wrong. It was the duty of those who thought the Judges were not acting rightly, to have laid the matter before Her Majesty's Government—that is, by impeaching the Judges, if their conduct was considered illegal. But this proceeding was only a part of the annual offering of those who were continually inventing, or on the look out for grievances. At all events, not one cent of those fees

ever went into the revenues of the Province; nor did the fees come out of the revenues, but were collected from suitors—those who went to law and knew before hand that they would be subject to the costs, whatever shape they might assume. This Bill, therefore, was of no consequence to any class of tax payers, excepting litigants. Had the question been for commuting the fees of the Judges, it would then have concerned the interests of the public generally. In 1849 the Government came down with a measure (as previously referred to) with a view to the reduction of the salaries of future Judges, but not to interfere with the then incumbents, and how could it be presumed that the present Government would decide now in opposition to the decision then come to? Besides, it was contended, that under former proceedings the scale of salaries would require to be so adjusted, that the successors of the present Judges should either have a fixed salary without fees, or a more certain scale with fees. This was the principle upon which the Act of 1849 had been sustained—and so the question was considered settled, having received the Royal assent—and thus it stood up to the present moment. Each year since 1849, an attempt had been made to disturb the old arrangement; and it was said for the purpose of keeping the subject open, and the country in a state of turmoil. Earl Grey, it was said, had done right in withholding his assent to the Bill, for a similar object, passed in 1851—inasmuch as when the Judges' salaries had been fixed in 1849, it was understood to be a final settlement of the question. Now the object was to contravene the spirit of that Act by dealing with the *present* incumbents. It was unfair to be bringing the Judges before the Legislature of the country every year and descanting upon their salaries and their conduct. Certainly such proceedings were not compatible with a sound discretion.

With respect to the conduct of the Judges in writing letters to England, it was contended that any man had the right to address the Colonial Secretary, if he felt himself aggrieved, and saw there was a disposition to infringe upon his privileges; and as such documents must be sent through the Lieutenant Governor, it was unfair to assume that His Excellency encouraged the proceeding in any way. It was

further said that the effect of the Bill, if it passed into law, would be to reduce the salaries or incomes of the Judges to a very considerable amount; it would reduce them about £150 per annum below what was considered right and proper in 1849. If the House attempted to reduce the salaries of persons, appointed by the Home Govornment, and dependent on such appointment, it was only right that they should have an opportunity of being heard, and of giving the reasons why and wherefore they opposed such reduction. It was therefore unfair for the Assembly to condemn the action of the Judges, because these gentlemen sought to protect themselves. The Colonial Minister, it was said, had a right to advise the Queen to give or withhold her assent to any measure that emanated from the Legislature; and in exercising the prerogative, the Queen's Government would always see that injustice was not done to private individuals for the sake of appeasing public clamour. That Assembly might say, if they liked, that future Judges should receive only £300 per annum, and the Colonial Minister might, if he thought proper, assent to such an Act, without committing a breach of faith; because it would then be optional with any person to take the office upon an understood salary. But when a person consented to take an office of such high responsibility and importance, and to give up his professional resources under the guarantee of receiving a certain settled income, the Legislature could not, with any good faith or honour, turn round afterwards and say, that they would reduce the salaries of such persons as much as they might think proper. On the same principle that they could reduce those salaries at all, they might continue to reduce them every year; and thus deprive the Judges of all certainty of any adequate income.

The above are the points of the arguments used—*pro* and *con*. If the reader had the whole published debate before him—about a dozen columns in length—it is not probable he would make more out of it than is conveyed in the foregoing brief narrative. Progress was reported. The Bill was again taken up at a later day, when pretty much the same arguments were used on both sides—and on the 20th the House divided as follows:—

Yeas—The Speaker, Messrs. Partelow, Gray, Hatheway, Stiles, J. M. Johnson, Harding, Botsford, Earle, Gilbert, Porter, English, Rice, M'Phelim, Thomson, Ryan, Taylor, Godard, Gordon, Williston, Chapman, Scoullar, Read, Hanington, Macpherson, Lewis, Fitzgerald, Needham—28.

Nays—Attorney General, Messrs. Montgomery, Robinson, and Johnston—4.

On the 3rd March the Council threw out the Bill.

Here was an anomalous state of things. Instead of the Government being united to a man upon a measure involving most grave principles—a contest, as it were, between the Colonial Secretary and the House of Assembly—they were divided. The Attorney General supported the course of the Judges and their rights, and justified the Colonial Minister—while the Provincial Secretary and Mr. Gray contended on the other side. The writer, however, always maintained that Responsible Government was not fully established in New Brunswick until *Party* Government came into operation in 1855.

CHAPTER XXXIII.

Quebec Railway discussion in the Council—Hon. Mr. Chandler the exponent—The Government Scheme—Mr. Street's Constituents—Address to Mr. Street to resign his Seat—Answer declining compliance—Discussion on a School Bill—Members accuse one another of wasting time—Intoxicating Liquors—Reciprocity with the United States—Prorogation of the Legislature—Opinions of the Press—Matters during the Recess—Railway Delegation to England—Treatment of the Delegates by the Colonial Secretary—Hon. Mr. Hincks' sharp letter to the Colonial Secretary—The Quebec Scheme once more collapses—Mr. Chandler entertains Propositions from Jackson & Co.—Submitted to the Railway Company in St. John—Accepted by Company and Government—Great Railway rejoicings—Salutes fired in honour—Special Session for Railway purposes called—Lasts for eight days.

All the Railway lines in the Province up to this time, were in a state of embryo. Every member had his own favourite crotchet ready to bring up the moment an opportunity presented itself—and each of these railway crotchets was promised by its advocates to be "the best paying line in the world." The mania had also reached the Council Chamber. On the 16th February the subject of the Halifax and Quebec Railway broke out afresh in this branch of the Legislature. Hon. Mr. Chandler was now looked upon as the Railway exponent in the Council—the oracle in whom the views of the British Government, the Archibald Company, the Canadian and Nova Scotian propositions, found an expounder. The hon. gentleman, in his speech (on the

16th,) recounted the past proceedings of the Government; the reasons for agreeing to the Toronto arrangement; the anxiety and determination of the Government to assist and maintain the Portland line. He declared his belief that Earl Grey meant to advance the money for both; shewed how the present arrangement would complete that line so far; the responsibility now rested on New Brunswick; argued that the liability would be but little more than what the Province was pledged to already for these lines; shewed the Northern members that the present scheme was not the choice of the Government, but was inevitable; appealed to their patriotism; asked how, if before they consented that the Province should undertake 400 miles, they could now refuse to undertake 270? If they were really desirous to get a road for the North, the best thing was to aid this; explained why Mr. Archibald's proposals could not be accepted; the Company asked what would amount to £100,000 per annum, and mails to be paid for. The interest on the money required by the Government scheme would be £56,000; the mail contracts £18,000; from this no sinking fund was contemplated for ten years; no direct taxation; the tariff was sufficient; the revenue would increase, and if not sufficient, the deficiency would be made up by tariff only; the country was satisfied that railroads were essential to its advancement, and was determined to have them; when the present scheme was explained it was declared to be the best that could be adopted; said if the present House would not accept it another would. The Government had determined upon this policy, and would stand or fall by it.

It will be seen hereafter that this position assumed by the Government, led to a split between the Attorney General and his constituents in Northumberland—the circumstances of which, when they come to be explained, will, perhaps, afford the reader some little amusement.

February 18th.—The Attorney General introduced the Government Railway Resolutions, which favoured the building of the Intercolonial Railroad conjointly by the three Provinces, agreeably to the terms of the Convention, (as alluded to in Mr. Chandler's speech,) "as being the only line on the joint account of the three Provinces now left for

construction."* The subject was brought up at a subsequent day and discussed; but it is presumed that enough has already been given in Mr. Chandler's remarks to answer every purpose.

The opposition (or rather what there was at this time of an opposition) taunted the Government with timidity in not grappling with the subject at once. The resolutions were submitted as feelers—if they found members averse after the resolutions had been laid on the table for a few days, the Government could trim their sails to suit the wind. This charge was as stoutly denied by the Government. They said they were sincere and determined in their policy, whatever might be the result. The debate was followed up from day to day—indeed enough was said upon the subject to have answered for all the Railway measures ever projected. The Government finally carried their measure by a large majority.

In consequence of the railway conduct of the Attorney General, (he being a member of the Government,) his constituents addressed to him the following Requisition :—

Miramichi, March 9th, 1852.

HON. JOHN A. STREET,

SIR,—We, the undersigned, disapproving of the action taken by you on RAILWAY MATTERS, such being fraught with incalculable evils to your constituency, and to this section of the Province, beg you will *resign the trust* placed in your hands forthwith, as representative of this County.

This document was signed by John M. Johnson, Richard Hutchison, and one hundred and eighteen others. A public meeting was called in Miramichi denunciatory of the Railway measure, and for the purpose of addressing Her Majesty to withhold her assent—and also to address another letter to Mr. Street, asking him to resign his seat. The utmost

* This measure was the result of several conventions of delegates—first at Toronto, then at Halifax, and finally in this Province—the Canadians having made an overland journey hither in the dead of winter. It was agreed that the Intercolonial Road should be built through the Valley of the St. John—which was a sort of compromise between the three Provinces—and that all our energies should be directed to this one grand effort. Hence, the opposition of the North to the scheme. A remarkable fact in connection with this affair is, that while Mr. Johnson was hostile to the measure as ruinous to the interests of his constituents, his colleague, Mr. Street, was as decidedly against the interests of his constituents, if Mr. J. was right. One or the other must have been a mis-representative on this occasion.

unanimity marked the proceedings; all party differences were merged in the one topic, viz: the Railway and the Attorney General—opposition to both. A second Requisition was accordingly drawn up, and a large number of signatures were attached to it. The following was Mr. Street's reply:

To John M. Johnson, Alexander Loudon, John Mackie, and Andrew Mason, Esquires, the Committee appointed at a meeting held in Chatham, in the County of Northumberland, to get up and procure signatures to a requisition to Mr. Street, to resign his seat in the Legislature of New Brunswick.

GENTLEMEN,—I beg to acknowledge the receipt of your letter of 10th inst., accompanied by a requisition numerously signed "disapproving of the course pursued by me, and requiring me to resign my seat in the Legislature, from believing (as the requisition expresses it) my feelings to be adverse, and my acts most prejudicial, to the interests of the County, in accordance (as is therein most incorrectly alleged) with my pledges to that effect."

Now as no specific acts or grounds are set forth in this document, upon which "your disapproval" and expressed "belief," are founded, I can only presume, especially from observing that it is signed by many, if not most of those, who signed the former requisition, that it has reference to the same grounds, viz., to my vote and conduct on the Railway question. I have therefore only to say *it is to be regretted that you should have put yourselves to so much trouble and expense* in getting up this second requisition, inasmuch as I have but to refer you to my reply to the former requisition published in the Gleaner under date of 22nd ult., in the Head Quarters of the 17th ult., and in sundry other Newspapers in the Province, as my answer to the present most extraordinary and unjustifiable document, got up by a Committee, appointed at a meeting in Chatham for the express purpose, and of procuring signatures thereto, how and by what means you best know.

I address my reply to you as the Committee appointed to get this requisition up, and through whom I received it.

I have the honor to be, Gentlemen,
Your very obedient servant,
J. A. STREET.

Fredericton, 14th April, 1852.

This declaration was criticised with severity by Mr. Street's opponents, while it afforded infinite satisfaction to his friends. It was so characteristic of that gentleman, in matters political,

that no one was astonished at the attitude he assumed. He seemed to have inherited his ideas (as to how much, or how little, deference was due to public opinion) from Charles James Fox, the British Statesman in the last century. In the course of a very able speech, on an occasion when he had a large majority with him in the House of Commons, but opposed by the people, Mr. Fox said,* that he disregarded the opinions of the people, no man could imagine; it had been the business of his life to court popularity; but *there were circumstances in which the people might err, and under such circumstances it became an act of duty to resist them.* The voice of the people, he said, ought to meet with attention, though it did not always equally claim obedience; as persons who had a will of their own might be allowed to exercise that will, even to a certain degree of injury to themselves, but not to their destruction. In the present case, he said, the people were deceived, they were causing their own ruin, and therefore their madness ought to be opposed.

This was Mr. Street's case precisely. A crisis had arrived. He must either desert the Government, or resist what he conceived, and pronounced to be, the misconceptions of his constituents. It might have seemed like a bold stand for any man to take; but then the hon. gentleman knew that he already held power, which was nine points in the case—while at the same time he was not without hope of being able, in time, to regain the confidence he had lost. If such was his conviction, he did not miscalculate his chances; for at the next general election, he was again triumphantly returned for Northumberland, his constituents having become quite oblivious of the mortal offence he had given them, and for which he made no atonement.

March 18th.—A Bill in amendment of the St. Andrew's Railway Act was discussed and passed. It ordained that the Province should take Class B shares for £50,000 stock, instead of Class A, which was all taken up. The debate turned upon the third reading of the Bill, and to giving the right of Mines to the proprietors of the land. Carried—18 to 13.

* "Age of Pitt and Fox"—vol. 1—page 218.

An amusing discussion upon another School Bill took place on the 22nd; but, as so much has already been said in reference to School matters, it is not deemed advisable to notice this debate, in any other way than for the mere purpose of exhibiting a specimen of *the style of the House*, when, once in a while, hon. members took it into their heads to talk fast and freely, upon subjects that did not happen to fall within their intellectual grasp; or rather it should be said, subjects that required more attention than some hon. gentlemen were prepared to give to them. One proposition was, that a fee of 2s. 6d. should be given to persons examining the schools. Then there was much learned talk about Algebra, Book-keeping, Geography, and Vocal Music. Several sections of the Bill were carried without material alteration. Then the reconsideration of the fifth section was proposed, and the decision arrived at the day before, after five hours' debate, was upset. Messrs. Johnson, Barberie, Thomson, Williston, and English, opposed it. Messrs. Street, Needham, the Speaker, and others, supported this movement. Mr. Needham said local Inspectors were a nuisance without a Superintendent. Several sums were moved as the salary. Mr. Wilmot charged the House with wasting the time of the country, and being incompetent to discharge their duties. He charged Johnson, as Partelow did before, with wasting time, cavilling, &c. Mr. Johnson said the Government made these charges, but it was not because he took time, but because he opposed Government measures. He cared as little for the wrath of the Surveyor General as the members of the Government did for the opinion of the country. Mr. Hanington said if the House was incompetent, the Government should dissolve the House; he explained that the delay was owing to the fact that the mornings were spent on Committees. Mr. Ryan said the reason of the delays was, that the Government endeavoured to cram measures down their throats which were not approved by the House. Were they to swallow down a measure, head and feathers, and all because the Government spent time in preparing it? They now forced on the reconsideration of a section that had been decided yesterday. The Attorney General replied. The Speaker deprecated the whole proceeding. Mr. Taylor said the course

hon. members pursued was enough to set men crazy. Mr. Ryan retorted, saying the Speaker should take the rules laid down for his own guidance, and that the first attack came from the Surveyor General. Mr. Scoullar rose to order, asking if the House should be occupied in that way. Mr. Wilmot denied that he wished to apply what he had said to any particular persons, but that some hon. members did waste time. The confusion was almost indescribable. Progress was at length reported.

On the 26th, a Bill prohibiting the sale of Intoxicating Liquors, other than by Agents appointed to retail them for medicinal purposes, was up for discussion, and finally passed; but as the Law resulted in little better than a failure in its working, a reference to the points of the discussion is hardly requisite.

April 2nd.—In reply to Mr. Montgomery, relative to Reciprocity, and the Bill for that object before Congress, the Attorney General said, that the Government of this Province had not lost sight of this important subject—correspondence between His Excellency the Lieutenant Governor and the Governor General had been going on during the winter; and the moment the rumour of a Bill, to effect reciprocal trade with Canada, was before Congress, reached this place, a communication with the Governor General had been made, urging the interests of New Brunswick. The Government of this Province had no power of holding official communication with the authorities at Washington; this could only be done through the Governor General, or the British Government; and also these negotiations for reciprocal trade by the Lower Provinces, would have to be based upon very different principles from those of Canada, as the concessions from the Lower Provinces to the Americans, to effect this object, were widely different from those offered by Canada, and must not only be consented to by the Maritime Provinces, but by the British Government, which alone might make distinct Bills necessary in Congress. The Government, however, had no official information of any Bill upon the subject being yet introduced into Congress.

6th.—Among other resolutious passed on this day, was one for addressing the Lieutenant Governor, requesting him to

make the Colonial Secretary acquainted with the resolution of the House of the previous year, for fixing the salary of the Lieutenant Governor at £1,500.

On the 7th April the Legislature was prorogued. In his Speech His Excellency alluded to the passage of the Intercolonial Railway Bills—expressed a belief that practical results would follow—and that the measure would give general satisfaction. He next alluded to the passing of the School Bill, and referred with satisfaction to the provision for inspection and superintendence, as a vast improvement over the old system. Allusion was made to the Bill authorizing the appointment of a Commission, "for reporting on the amendment and consolidating of the Laws"—and finally, His Excellency, in a rather sinister way, bade both branches a "*hearty farewell!*"

OPINIONS OF THE NEWSPAPERS.

The following is the summing up of the labours of the Session, by the St. John *Courier*, of 10th April—a paper whose opinions were never hastily expressed—that was looked up to by all parties as a staid, sober, and solid Journal:—

"The Session of the Legislature was brought to a close on Wednesday last, after a sitting of precisely three months. We only give expression to what we believe to be the almost universal opinion, when we state that the present may be considered the most extravagant and incompetent House that ever sat in New Brunswick. What was last Session solemnly declared to be unwise, impolitic, and impossible, is as confidently undertaken and accomplished this year, as far as legislation can do it, as if a new generation had in the meantime come and gone. An array of claims which had been hooted out, Session after Session, had, in this, *the year of jubilee*, only to be plausibly presented to be granted."

The Miramichi *Gleaner*, another unobtrusive (politically) Journal, thus reviewed the proceedings:—

"We received information by Telegraph on Wednesday last, that His Excellency the Lieutenant Governor had that day prorogued the Legislature. We are glad that it is so, for their deliberations reflect no credit on us as a Province, and a review of their proceedings confirms us in the opinion we formed some weeks since, that this was one of the most extravagant Sessions the history of the Province records,

with, we believe, but one exception. A season of improved trade, and a prosperous revenue, seems to be the signal for all kinds of application for Provincial aid; and it is our misfortune to have men as representatives who possess much less of that "high and honorable feeling" which should characterize statesmen, than the low ambition which prompts them to seek a large share of the Bye Road money, or special grants, no matter how pernicious the principle may be in theory, or dishonest in practice. The revenue of the last year (1851) showed a considerable increase, and of course such a favourable opportunity could not be allowed to pass by the members, of serving at once their constituents and themselves. Under such circumstances, the talents of our Government shone conspicuous. With the Government no measure was initiated which did not afford them the means of strengthening their position, by placing at their disposal *money* and *patronage*. The Railway Bills—the School Bill—and the Law Commission Bill—are the offspring of the Session, and combine in themselves a greater amount of patronage than had ever been contained in the measures of any one Session in the annals of the Province. With such a Government these are powerful sources of corruption, and with such Representatives the temptation is too great to be resisted."

DURING THE RECESS.

During the recess, Mr. Chandler on the part of New Brunswick, and Mr. Hincks on the part of Canada, proceeded to England for the purpose of trying to obtain the guarantee of the English Government on a sum sufficient to build the Intercolonial Railroad, agreeably to the Act passed at the Session just closed. Mr. Howe was to have been the delegate from Nova Scotia, but in consequence of being obliged to run his election for Cumberland, was unable to accompany the other delegates. After remaining in England several months, the Government expressed their refusal to aid the undertaking, on the ground that as it was, or ought to be, a work of Military necessity, the route selected—the Valley of the St. John—could not be assented to. Mr. Hincks became impatient on account of his detention, by the Colonial Secretary, in England, that functionary one day encouraging hopes, to be dispelled the next day. Mr. Hincks accordingly addressed to the Secretary of the Colonies the following tart letter:—

"I am anxious that Her Majesty's Government should understand most distinctly that I have not been sent to England as an *humble suitor* on the part of Canada for Imperial aid. Canada was invited by the Imperial Government to act in the great national work under consideration; and I must be permitted to say, that she has generously and practically responded to the invitation. Much time has unfortunately been lost, although not from any fault on the part of the Legislature or Government of Canada; and I therefore trust that my present final appeal to Her Majesty's Government will not be attributed to impatience, but to an anxious desire to promote the interests of my country. It seems to me far from improbable that, on some ground or other, this negotiation will *prove a failure.* If so, it is of the very highest importance to Canada that the fact should be known as soon as possible. I have reason to believe that I can effect arrangements on the spot with eminent capitalists to construct all the Railroads necessary for Canada with our own unaided credit. I have likewise reason to know that the European line from Halifax to the frontier of Maine can be constructed by the unaided credit of Nova Scotia and New Brunswick. * * * * * * *

"I cannot conclude this letter without expressing my deep regret that so little confidence has been manifested by Her Majesty's Government in Mr. Chandler and myself, being, as we are, sworn confidential advisers of the Crown. I have reason to believe that at this time foreign influence is at work to prevent the accomplishment of the great national object which we have in view. I have reason to believe that Mr. ——, the avowed opponent of the Colonies, is in communication with parties actuated by motives of the most anti-British character. Communications have been sent to the Colonial Office on the subject of this Railway, hostile to the views of the Governments and Legislatures of the three Provinces of Canada, Nova Scotia, and New Brunswick, supported as these views are by the Queen's able representatives in those Provinces. No communication of these papers, the existence of which I only know by current rumour, has been made to us. *Our position has been in no way recognized by Her Majesty's Government; and I cannot but express my conviction that such withholding of confidence has not conduced to the interests of the Queen's service.*

I have the honor to be, Sir,
your most obedient servant,
FRANCIS HINCKS.

The Right Hon. Sir. J. Pakington, Bart. M. P.,
Her Majesty's Principal Secretary of State
for the Colonies, &c."

Mr. Chandler not receiving the encouragement he had a right to expect, entertained the overtures of Jackson & Company, which finally ripened into a contract, and was afterwards signed in New Brunswick. This eminent firm promised to build all the Railroads that New Brunswick might require, upon the most "advantageous terms." On the return of Mr. Chandler from England, a meeting of the Railway Company was held in the Commercial Bank Parlour, (St. John,) to receive the proposition from the English Capitalists, of which the hon. gentleman was the bearer. *Any* port in distress, is the Mariner's hope. It was so with our people at this time. The proposition was unanimously accepted, and Mr. Chandler promised that the Government of which he was a member, would assume the responsibility of advancing an additional £250,000 on the credit of the Province, without calling an extra Session, in order that the answer might be sent to the Company by the return English Mail. Thus was the Intercolonial scheme again brought to a premature conclusion; and the "European" had now become all but a *fait accompli.*

In the month of September, Mr. Jackson visited New Brunswick, and on the 29th entered into an agreement with the Government of this Province, to the following effect:— Mr. Jackson was to build from St. John to Amherst, and also from St. John to the American frontier, a distance of 214 miles, and complete the work in a stated time, for the sum of £6,500 sterling per mile. The Province was to take stock to the extent of £1,200 per mile, and loan its bonds to the Company for £1,800 more. These bonds were to run for twenty years, and the first profits accruing to the road were to go to meet the principal and interest on the bonds. The entire length of the road, from the American to the Nova Scotia boundaries, was set down in round numbers at 214 miles—so that the interest for the money to build our portion of the road, was to be £15,000 per annum. Jackson & Co. were to find all the money.

According to preconcerted arrangement, the contract was signed at 12 o'clock, noon, when at that moment the Volunteer Artillery, under the command of Major Foster, fired a salute from Chipman's Hill. Great was the rejoicing

throughout the City—party differences were all hushed for the time. There was no distinction between a Liberal and a Tory—both felt lamb-like and forbearing, one towards the other. The names of Archibald and Jackson were upon every tongue. They were the Havelocks and Outrams of the hour—who had come, not only to save a City, but a whole Province.

John Johnston, Esq., having been appointed Stipendiary Magistrate, his seat for the County of St. John was declared vacant; and in the month of July Mr. Jordan was returned in his place, his opponent being George G. Gilbert, Esq.

A Special Session of the Legislature was called on the 21st October, for the express purpose of amending the Railway Act, and rendering it suitable to the conditions entered into between the Government and Messrs. Peto, Brassey, Jackson & Co. Both branches were all but unanimous in support of the measure, and the Legislature was prorogued on the 29th—the shortest Session ever known in this Province.

(1853.)

CHAPTER XXXIV.

Meeting of the Legislature — Governor's Speech — Fishery Rights — The Speaker continues unwell — Registration of Births, Deaths, and Marriages — Financial Statement — "Mutilations" and "Alterations" in the Public Accounts — The Audit Office — Report of the Committee on the subject — A Militia Bill — "Royal Instructions" — Death of Mr. Speaker Crane — His successor — Attorney General's Election Bill — The Law Commission — Jury Bill — The Grimross Canal.

On the 24th February the Legislature was called together. In the opening Speech, His Excellency spoke of the very large appropriations made from year to year upon the public roads, and expressed dissatisfaction of the system then in use.* Spoke of the Law Commission that had been appointed the previous year for revising the laws, and said their first Report would be ready to lay before the House. He said a Bill was in preparation, and would be submitted, for securing a registration of births, deaths, and marriages. "Great complaints" (said His Excellency) "have been made to me of the want of some such provision, and I shall be happy to see the defect remedied."† Spoke of the probability of a Reciprocity Treaty with the United States, and the surrender of our Fishery privileges to secure the boon. Negotiations were then pending.

* Now the Board of Works are accountable for all such expenditures.

† Yet, strange to say, however important such a measure, the Province is still without one, fourteen years after His Excellency spoke of the great necessity for it.

In the debate on the Address in answer to the Speech, members took strong grounds in opposition to yielding the Fisheries into the hands of the Americans, without a fair equivalent; a mere interchange of certain commodities could not be so regarded. Mr. Kerr moved an amendment to the tenth Section, omitting a portion, and substituting "we cannot too strongly express our opinion, that the Fisheries are the inalienable right of the people of British North America, and should not be opened to any Foreign Nation by the Imperial Government, without the consent of this Province."* These opinions were generally entertained by the House. Members of the Government said they had expressed themselves in strong but respectful language in their Minute to the Colonial Office, against the surrender of our Fishery privileges. The amendment was not pressed, as it was understood that an Address would be sent to the Queen, couched in the plainest language, expressive of the feelings of the people of this Province. As some equivalent for the surrender of these rights, it was argued that we were at least entitled to a Registration for our Vessels in American Ports, and also the Coasting Trade of the United States; certainly for privileges equal to those conceded to the Americans by the English Government, through the repeal of the Navigation Laws. But our neighbours turned a deaf ear to all such entreaties. They obtained the oyster and gave to the Colonies the shell.

March 7th.—The Speaker was too unwell to attend to his duties, and hon. gentlemen now commenced an active canvass for a successor. Considering the Speaker's complaint, it was thought doubtful if he would be again competent to resume his duties.

Hon. John Montgomery was sworn in as a member of Her Majesty's Government.

9th.—Hon. Attorney General introduced a Bill for establishing a "Registry of Marriages, Baptisms, and Burials," and spoke at considerable length in advocacy of the same.

* If this was the public wish of the times, it did not last long; for, when it was discovered that Reciprocity could not be had, without our throwing the Fisheries in, the Legislature agreed to do so. Since the expiration of the Treaty, the Americans still hold possession of our Fishery Grounds, by paying 50 cents a ton for the privilege.

Such a record, he contended, was not only useful, but absolutely necessary, as many difficulties had arisen in new countries, which in older ones had been obviated by having proper records. It would also be important in judicial proceedings, in proving heirship, and in many other ways. The Home Government were also desirous of having such a measure. The Clerk of the Court would keep the record properly filed, to which easy reference, by means of an index, could be had at any time needed—and no additional fee would be claimed for such reference by the Clerk, who would be remunerated out of the County funds. Many hon. gentlemen shared in the Attorney General's opinions. The opposition* objected to the measure, chiefly because of the expenses it would entail. After the passing of the measure, every one having occasion would be obliged to register, and the cost to poor persons would be a grievous burden, which the supposed benefits of the Law would not countervail. The Provincial Secretary thought that mere matters of cost should not be allowed to influence members adversely, if the measure was one calculated to work as well as similar ones did in other countries. He hoped, therefore, before hastily coming to a decision, that members would take the Bill to their homes, and examine it in all its particulars. In the mean time progress could be reported, and the Bill taken up again in a calm spirit, and considered as one of weighty consequences, and demanded by the necessities of the country. A correspondent of the St. John Freeman spoke of this Bill to the following effect:—

"Except the Bill for the Registration of Marriages, &c., there is as yet not a solitary Government measure before the House, though twenty days of the Session are passed, and an Election Law of some kind or other was promised on the first day of the meeting of the House. It is said to be in the Press; that Fisher was engaged on it; that the Government wanted to feel the pulse of the House, see what the majority of members required, and ascertain how small a measure of reform they could palm off on the Legislature and the people, &c. &c. The Bill that is before the House is an utter absurdity. It merely alters the mode of registration; and a registry

* It was frequently styled in the newspapers of the day "Her Majesty's Opposition!" Why Her Majesty should be held responsible for the opposition Her Government (Local or Imperial) meets with, the writer has never been quick enough to comprehend.

of Births and Deaths being almost impossible, it proposes a registry of Baptisms and Burials, which is no substitute for the other in a country where a third of the people or more are never baptised, or are only baptised at an advanced age, and where the population being so fluctuating and changeable, fully a tenth of those born in the country die out of it. The Bill imposes all the trouble and labour of keeping all those Registries, under penalties, on clergymen, who are not officers of the Crown, and who are to receive no remuneration, while the County officers, who are only required to file and index the copies of the registries furnished semi-annually, are to be paid for their labour by the Sessions. The only practical effect of the Bill would be to increase the salaries of the Clerks of the Peace. Besides this, it in fact can effect little—the registration of Marriages being already provided for, and the registration of Births and Deaths being confessedly impracticable."

Progress was reported, and 100 copies of this Bill were ordered to be printed for the use of the House.

19th.—In consequence of the continued indisposition of Mr. Speaker Crane, that gentleman's resignation was tendered to the House; and Mr. Hanington was elected in his place—21 to 11.

22nd.—Mr. Partelow (Provincial Secretary) handed in a Financial Statement—which showed the liabilities of the Province to be £156,920, and assets about £87,000. He promised a further statement. Mr. Kerr complained of serious alterations and mutilations that had been made in the Treasurer's Accounts since first submitted—(did not say by whom made)—they appeared to be cooked up for a specific purpose; pages were cut out and others substituted. There was a difference in consequence of £4,000 on one page, and yet the Accounts balanced. Pronounced the proceeding strange, unbusiness-like, suspicious. The Secretary denied all knowledge of the affair. Mr. Johnson thought it was done at the Audit Office. Mr. Smith thought such conduct was criminal, and should be treated as such. Every member had something to say in denunciation of the affair; but as the members of the Government (even up to this date, 1853) felt themselves, to a *saving* extent, independent of the House, (the Provincial Secretary was not yet obliged to be a member of the Government—indeed the departmental sys-

tem was not yet recognized as part of the Constitution,) nothing came out of the affair, except the unprofitable grumbling which it occasioned. The subject was referred to a special Committee to investigate the matter. In a couple of weeks afterwards a Report was handed in, bearing witness to the facts of the alterations having been made, but palliating the offence, as will be seen by the "conclusion" of the Report, as follows:—

"While the Committee feel unjustifiable liberty has been taken, by persons in the Audit Office, with a public document of great importance laid before the House by command of His Excellency the Lieutenant Governor, without the knowledge or sanction of any competent authority, they are yet constrained to believe that the act was done without due consideration of its importance and its consequences, without any fraud or intention of personal or pecuniary interest. The Committtee are led to view the matter with less severity than it would otherwise deserve, in consequence of finding that previous Annual Reports on the Public Accounts have, after having been laid before the House, and reported upon by the Committee of Public Accounts, had their figures in numerous instances materially changed by the Audit Office, and the published Reports greatly differ from the Reports as they stood when audited by the Committee. This objectionable course appears to have been pursued without any censure from the House; in no instance, however, has the original matter of the Report been removed or obliterated, so as to prevent its original facts and figures from being understood.

"The Committee beg leave to make a further Report.

(Signed) R. B. Cutler, Geo. Kerr, J. M. Johnson, Robert Thomson, A. J. Smith, J. T. Williston, B. Botsford, Jas. A. Harding, M. M'Leod."

24th.—On the introduction of a Militia Bill by the Attorney General, a fiery discussion followed—and it is only alluded to here for the purpose of showing the sort of spirit manifested on all occasions, whenever Imperial and Provincial interests seemed to clash. The Bill was introduced in obedience to the "Royal Instructions." Mr. Johnson considered the Royal Instructions as our guide in such a matter as frivolous; in a purely local matter the people should have the right to govern themselves; and the time

was fast approaching when the people would have to take a decided stand on their own peculiar rights. Dr. Thomson said we had no right to take such power upon ourselves; and he felt pleased that the upper branch had taken a step towards counter-checking any infringement upon the Royal Instructions. Mr. Jordan ridiculed the idea of Militia men turning out empty handed. Mr. Boyd supported Dr. Thomson's sentiments. Mr. Earle, as a Militia officer, was willing to dispense with all the glory attached to it, in order to do away with such a bad system; he was now fifty years of age, and from the age of sixteen he had never seen any improvement. Mr. Hatheway indignantly denied the propriety of such a system; and he would oppose the Bill with all its responsibility. Mr. Needham said the responsibility would rest upon the Assembly, unless the suspending clause was attached to the Bill; being part of the Royal Instructions, the only proper way of dealing with it was to address Her Majesty. He would therefore vote for the suspending clause. Hon. Mr. Gray said there was no doubt but we had a right to manage our own affairs; but were our National defences to be considered local?—they were not—they were National—a member of a body must be governed by the general rules of that body. So with a Colony and an Imperial Government. He was willing to go as far as any hon. member on purely local matters—but where National control is the question, he could not attempt an interference. Mr. Smith said the question is—have we the right to regulate our own internal affairs? There was no question arising as to whether the Colonies were to be separated from the mother country or not. Hon. Mr. Street said the head of the Executive Government had no wish or desire to interfere with the internal regulation of our own affairs; and he recommended that the Bill stand over until the afternoon. Mr. Botsford pressed the discussion of the Bill; he had no intention of giving way to obsolete Royal Instructions. Hon. Mr. Street animadverted on the expression "obsolete Royal Instructions," of the hon. member from Westmorland. What did he mean by it? Such high-sounding expressions would do very well to go abroad, but what did they mean? Or what did he intend by them? Mr. Botsford said the definition of the word

"Patriotism" is love of country—now it appears that the Hon. Attorney General's loyalty is across the ocean. Mr. Johnson said if there were any danger of a Colony breaking off from the Imperial Government, it is remaining too long under the heavy finger of grievances, without timely remonstrance. The hon. member believed in the Government of the Colony, and in not depending too much on the Government of England. It will not do to remain too long pent up, until the volcano bursts forth; there is great danger in delays, and every hon. member should speak out, and declare his sentiments fully and fairly. Hon. Mr. Street said there was no disposition on the part of the British Government to interfere with, or trample on the rights of, the British Colonies—no desire to infringe upon the rights of a single individual. The further discussion of the Bill was postponed until the Monday following.

April 1st.—The death of the late Speaker (Hon. Mr. Crane) was announced; and Mr. Botsford moved that the House should adjourn from day to day, until after the funeral. Mr. Crane's remains were carried from Fredericton to Sackville, where the family resided. On the 4th, Mr. Botsford moved for a writ for the election of a member for Westmorland to serve in the place of the late Speaker.

6th.—The Attorney General's Election Bill brought up from time to time, and discussed for hours together, was again committed. This Bill, it was contended, was but a slight improvement upon the old Law—it provided for the extension of the suffrage to *Leaseholders*, which was certainly a desideratum, and that the Government should appoint a certain number of Commissioners, who, among other duties, were to determine all disputed elections, without taking up the time of the House. These Commissioners were to proceed to the 'disputed territory,' and hold a Court to examine into the state of affairs, and settle the difficulty. No provision, however, was made for the ballot, for which every body in and out of the House seemed to cry aloud, as a curative of all the difficulties attendant upon elections—such as the preventing of scrutinies, the independence it would insure to voters, &c. &c. The Attorney General remarked, that he did not like the principle of the "ballot," and was prepared to

show that the system did not work well in the United States; the greatest statesmen in the old country were opposed to vote by ballot; and he quoted Macaulay, who said, "honest men did not want it, and rogues should not have it;" he could not, therefore, be supposed to support the principle of vote by ballot. There could not be an effective registration without an assessment list; he believed an effective registration most desirable, if it could be properly adopted; but such could not be effected without a most serious expense. "Yes, it can," from Mr. Johnson. "Well," continued Hon. Mr. Street, "if it can, I shall be most happy to see it." He would act openly and fairly, according to his convictions; vote by ballot is fraught with more evil than is anticipated by hon. members of the opposition. The Government was well aware that the Bill was a very debatable one, involving a great contrariety of opinion; and such diversity of opinion did not only pervade that House, but also the whole country; and he hoped the present Session would not pass over without bringing this important subject to a final close; so that we can say to our constituents, we have provided for you an effective Bill, for the due exercise of your franchise.

The opposers of the Bill pronounced the objections to the ballot as visionary—instead of the principle being anti-British, it was more British than American, and had been in use long before the American Republic had been thought of. On almost all occasions, in societies, in great organizations, elections of Committees, Directors, Managers, in all great public concerns, the choice was made by ballot, which was considered to be the great safe-guard to individual rights and independent action. The aristocracy and wealth of England exerted such a powerful influence in and out of Parliament, and viewed with so much distrust any innovation calculated to break down that influence, and feeling too that the ballot would render the electors independent of that influence, that it was all but impossible to carry such a measure in the House of Commons, and perhaps impossible in the House of Lords. But like Catholic Emancipation, the Dissenting Disabilities Act, the Corn Laws, the present "good old British system" was destined, ere many years,

to give way to the demands of British intelligence and freedom. Further objection was made to the Bill on account of the arbitrary power it would confer upon the Commissioners, who might be selected for their radical or tory predilections, and would be biased in favour of, or in opposition to, one of the claimants for a seat, when their services were required —whereas "the ballot" would anticipate any such difficulty, or rather prevent the possibility of it. Mr. Johnson remarked, that the man who was base enough to sell his elective franchise, whether under open voting, or the ballot, was one of those unconscionable persons for whom no provision could possibly be made—for such an one, not even the Bible, much less the Ballot, could keep within legal limits.* He said the day would come, and that ere long, when "the ballot" would be the mode adopted for returning members to the House. He said registration would also form part of the system; for whatever difficulties might be assumed in the way of this, he was satisfied that the Assessors' Lists could be taken as the basis for getting at those who were qualified to vote.† Mr. English was "determined to go against any Bill that did not provide for registration, extension of franchise, and vote by ballot. Nine out of ten of his constituents demanded these changes."

* These remarks are most true. No man of sterling principles, uprightness, and integrity, would be guilty of the mean petty conduct of selling *himself* for a few shillings, or even pounds; indeed the man who regards his vote as a merchantable commodity, to sell to the highest bidder, is unfit to enjoy the privileges of a freeman. The vote is in trust to himself and children, to be used in accordance with his best judgment for the selection of men to whom the best interests of the country may be safely confided. To forget this great fact, and vote for the man who would buy him as he would a sheep, is to ignore the first and noblest principles of our common humanity; and such an one the writer no more believes in, or would trust, than he would the monster against whom civilization sets up a barrier, to keep beyond the confines of a safe and legitimate preservation. It is, however, fully believed, that no man of respectability was ever guilty of so base a piece of business as to *sell his vote.*

† The Ballot is now the *modus operandi;* and it is considered on all sides to be a vast improvement upon the *viva voce* practice of former days.

CHAPTER XXXV.

"The Ballot"—Judges' Fees—Judge Street's Letter—Encounter between two prominent Members—Report of Committee on Public Accounts—The Audit Office—Prorogation of the Legislature—His Excellency's closing Speech.

April 15th.—After another lengthy and tedious discussion, old arguments reiterated, and amendments upon amendments being moved, the House resolved—18 to 17—in favour of "the ballot." Thus there was a majority of one against the Government; but this was thought so little of, that the opposition appeared to take no heed of it, as if they considered that a majority against a Government measure was nothing in consideration of the good they could extract from them in any way. But the most anomalous part of the whole business was, that the Government themselves were divided in opinion upon the ballot. The Attorney General, for example, remarked, that since the House had now determined on "vote by ballot," he should offer no opposition, and would leave it to those hon. members of the Government [his own colleagues] who supported it, to carry out the arrangement as they might think best. Hon. Mr. Wilmot (another member of the Government) said he would move the postponement of the Bill for three months, so decidedly was he opposed to the ballot system. The Provincial Secretary, on the other hand, wished it particularly to go abroad that he was in favour of the ballot, accompanied by a proper registration of voters. The ballot being thus carried, Hon. Mr.

Gray (another member of the Government) moved an amendment, rendering a registration of voters necessary, as an appendage to the ballot, which was carried by a large majority. Progress was reported.

16th.—The House went into Supply, when £1,000 were voted for the expenses of the Law Commission—£500 to enable the Province to contribute to the New York and Dublin Exhibitions—£500 were proposed by Mr. Kerr, for the purpose of sending home a delegate to lecture on the advantages of Emigration to New Brunswick. Mr. Kerr had in the course of the Session introduced this subject several times, and each time it was debated at considerable length. Although the amount asked was now placed in the supply book, nothing came out of it that Session.*

18th.—Hon. Mr. Gray introduced a Bill "in further amendment of the Jury Law," and explained its provisions. Under the old law it required that all of the twelve jurymen (or petit jurors) should decide a case. The amendment proposed was most important, as it was intended to "facilitate the course of justice," and at the same time ensure its impartiality. The Bill provided that nine out of twelve jurymen should decide a case; for it frequently happened that one obstinate person thwarted the ends of justice; and the proposed alteration would prevent this. In criminal cases, however, the law was to remain as it was. The jurymen in civil cases were to be paid a fair equivalent, to come out of litigants, for their services. The Attorney General considered Mr. Gray entitled to the thanks of the Committee for bringing in such a Bill; but as the Session was so far advanced, he would advise that it lie over until next Session. Progress was accordingly reported.

22nd.—Mr. Earle moved for £1,500 to aid the construction of a Canal through Grimross Neck, pledging that no further sum would be asked. This subject is merely referred to here for the purpose of showing the miscalculation, or perhaps the misappropriation of the public moneys, in respect to this project. The canal proposed to be cut is near Gagetown—through a narrow strip of land, the ligature

* Some years after this, the motion was again revived, and the object sustained, when Hon. James Brown was sent to England on the commission.

of a peninsula—which, since it has been made, has created an Island, "not laid down in any of the Charts." The object in making this canal was not only that the steamers should be enabled to pass directly in front of Gagetown, but for the saving also of several miles extra distance, which the course half round the island occasioned. Mr. Johnson, in opposing the grant, made remarks somewhat prophetic, as they appear to have been realized by the lapse of time. He said that the cutting of the canal would tend to shoal the water of the main river, as it was evident the quantity of water required to fill the canal, must come from the river, and the original quantity could not be in both places at the same time; the piece of land also, cut off by the canal, would form an embankment, which would wash in at the side, and so fill up the main channel, or canal; he would, therefore, oppose the grant until further investigation and information were afforded.

From whatever cause, this canal has never been used for the purposes intended; therefore the money has been thrown away; the steamers still perform their *circuit*, as if there were no such thing as a cut-off to shorten the distance. The Engineering skill that devised this canal, is due to some one without a name, certainly without a reputation.* The arguments in favour of the grant were, that this canal would benefit Gagetown, Fredericton, and *Woodstock!* by expediting the transfer of Fall goods. Hon. Mr. Montgomery explained that the distance saved by the canal would be just one and a half miles, and was the Province justified in giving thousands of pounds to save that distance in the River Saint John, and at the risk of impeding the navigation? The question was taken on sustaining the resolution for the grant, which was carried in the affirmative. On motion of the Hon. Mr. Partelow the blank was filled up with £1,750.

25th.—Another lengthy discussion took place on the introduction of a Bill by Mr. Botsford, for abolishing the Judges' Fees. The Attorney General called it the "annual offering" of the hon. gentleman; he was not, therefore, taken by surprise on seeing the Bill come up again, for he

* It is like the Thames Tunnel, practicable in a way that was never intended, as the Tunnel is now used for a line of stalls, from end to end, for the sale of nick-nacks.

had been on the look out for it. The arguments on both sides having been so frequently referred to in previous Chapters, their recapitulation is unnecessary here. But the Lawyers in the House, (such as Messrs. Botsford, Johnson, Smith, Needham,) so far from being influenced by an *esprit de corps*, bore down harder upon the Judges than the laymen did—thus signifying, that as their knowledge with regard to the matter in dispute was all-sufficient, there was great public injustice in fees being paid in this way by litigants. That the salaries of the Judges, including fees, however, were too high, was less a question in dispute. The objection was more to the fees (amounting to from £150 to £200 over and above the regular salary of £600) than to the total amount of the salary; but then those who opposed the fees did not seem prepared to offer any commutation measure, (for such would have been accepted by the Attorney General and the supporters of the Judges.) Had a proposition, for instance, been made to raise the salary say to £700, or £750, in lieu of all fees, it would have been accepted. But No—the desire appeared to be to reduce the Judges to the naked sum of £600; and their honours were not willing to surrender to so large a reduction—they entered office at fixed salaries, and although willing to meet the economical spirit of the times, they did not believe that they should be obliged to give up all that the House demanded. But there was an old irritating sore at the bottom of all this; the House felt the sting of Judge Street's letter to the Colonial Secretary, the year before, reflecting upon the character and dignity of hon. members; and it only required the subject to be re-introduced, for an occasion to vent their feelings against, not only the offending Judge, but the whole Bench besides. In the course of the discussion, some members became so obstreperous that they were called to order, when the Speaker sought to exculpate the warmth displayed. He said—"Hon. "members should be excused when they expressed them- "selves warmly on the subject of Judge Street's letter as it "appeared upon the Journals; he did not rise to make a "speech, he had stated his views on the subject heretofore; "he would rather give the Judges fees than pay them by "commutation, which would be a taxation upon the country;

"and thought £600, with travelling charges, sufficient—he "would state broadly and fully before the House and the "country, that he would go for the Bill without com- "mutation."

Mr. Botsford seemed most pertinacious in endeavouring to have the fees abolished. Year after year he introduced his measure, and fought it up with ability, zeal, and determination; but never succeeded in carrying his point. Although fourteen years have since passed away, the "fees" still remain as they were. Indeed of late years the disposition for cutting down salaries, or interfering with old privileges, appears to have died out.

In regard to the measure now under consideration, Hon. R. D. Wilmot moved that the further consideration of the Bill be deferred to the next Session, which was decided in the affirmative by the casting vote of the Chairman, (Mr. Hatheway)—whereupon there was a tremendous clapping of hands on the side of the Government, which called up Mr. Smith, who lectured the Government and their supporters in strong terms, for their exultation, "such as they always evinced when a Government measure was carried." Mr. Wilmot replied, and Mr. Needham rejoined, when the Judges once more were allowed to retire to rest.

29th.—Quite a breeze sprang up in the House this morning, Mr. Connell* and the Provincial Secretary being the most conspicuous figures in the fore-ground. The former gentleman had made remarks upon the hustings in reference to the "mutilated Accounts," (referred to in a previous Chapter,) whereupon the latter, now that he had Mr. Connell before him, called him to account. The hard sayings, the criminations and recriminations made use of by both gentlemen on the occasion, were not in strict conformity with Parliamentary etiquette. A repetition is therefore omitted here.

On a former page reference was made to complaints of the House, in consequence of the Government having appropriated the public moneys without the authority of the people's representatives. Upon this subject the Committee of

* Mr. Connell had been a member of the Legislative Council, and resigned his seat there, and offered himself as a candidate for Carleton, and was elected in place of Mr. Beardsley, just then deceased.

Accounts, to whom the matter was referred, reported as follows:—

"The Committee on Public Accounts have examined a return of warrants drawn without authority of law, laid before the House in answer to an address of date 18th March last, and find that in 1851 several sums were paid by the Government, amounting to £94 12s. 2d.; and in 1852 the gross amount so paid is £5,165 7s. 4d. The Committee must object in the strongest terms against the Government paying out or disbursing any moneys from the Provincial Revenues without the sanction of the Assembly, and in none but cases of extreme urgency and necessity should any moneys be so paid until the accounts have been submitted to and sanctioned by the House, or a grant of the amount made in Supply; and when such extreme necessity does occur that money should be drawn without application to the Assembly, the Committee consider the Government called upon to make a report to the House, with a detailed statement and account of the manner in which such sums have been expended, the objects to which they have been applied, and the necessity for their being so paid without provision having been first made by the Assembly.

"The Committee cannot too severely censure the payment of so large a sum as £5,165 7 4 for the purposes mentioned in their return, upon the sole authority and responsibility of the Provincial Government; and should some of those payments be in themselves correct, your Committee cannot admit the necessity for these disbursements before the accounts had been submitted to and investigated by the House; nor can they feel satisfied with the course pursued in not furnishing any detailed account or statement of these disbursements at the present Session.

"Your Committee must also remark upon the extraordinary fact that no application was made at the last Session for any grant in supply to reimburse the amounts drawn for without authority in 1851—nor is there now any made for the very large amount so paid in 1852—and your Committee deprecate as unconstitutional and dangerous to the rights of this House and the interests of the country that any Government should consider themselves authorized to pay moneys, and withhold from the Assembly all information until expressly called for by address.

"Your Committee find it quite impossible to make any particular report on this return, wanting the necessary detailed accounts, and can only refer the return back to the consideration of the House, recommending that it be published in the daily Journals as a part of their report.

"In reference to the surplus Civil List accounts, your Committee have to express their surprise that the sum of £200 should be paid therefrom for His Excellency the Lieutenant Governor's contingencies, without any authority therefor. Respectfully submitted."

A resolution was offered for abolishing the Office of Auditor, on the grounds chiefly of the incompetency of the department to discharge its duties, or it might be called its inadequacy to provide a suitable check, whenever an attempt might be made by an *outsider* to *cook* the Accounts, or *mutilate* them, as had been done on a previous occasion, to make all ends meet. The debate which followed the reading of this resolution terminated in a waste of words. The Audit Office is still in existence, and no deprecatory remarks have been made of late years in regard to its efficiency.

The Legislature was prorogued on the 3rd of May. In consequence of the extravagant appropriations, or rather inconsiderate action of the House, in voting away the public moneys, without rule or system, His Excellency thus remarked in his Speech—"I regret very deeply that there is "no one political officer whose attention is especially given "to finances. I regret, too, the total want of Executive ma- "chinery for properly controlling the expenditure on the "roads."

All these evils have long since been corrected, as will be made apparent in future Chapters.

(1854.)

CHAPTER XXXVI.

*The last Session—The Jackson Railway Contract—Prosperous State of the Province—Reply to His Excellency's Speech—Despatches—Governor's cutting remarks—Reflection upon his Advisers—Discussion upon the subject of Dining—Official Defalcation—Attack upon the Government—Mileage of Members—"Free Trade" vs. "Protection"—Temperance Petition—King's College—Commission appointed to investigate College matters—Declaration of War by England against Russia—Loyalty of New Brunswick—Address to the Queen passed—*CONCLUSION—*Last of the Conservative Power in New Brunswick—Prorogation and Dissolution of the House—Last of Sir Edmund Head—The Services of* THE PRESS.

The Session of 1854, and the last for the present House, commenced on the 9th February. The opening Speech touched upon a variety of topics. The contemplated Railroad to connect St. John harbour with the Gulf of St. Lawrence, then under contract, was a subject of special eulogium. "I have full confidence," said His Excellency, "in the honour and resources of those* who have undertaken its construction." His Excellency recommended the House to pass "some Bill for securing passengers and merchandize against wilful carelessness, or culpable neglect in the construction and manage-

* Meaning Messrs. Peto, Brassey, Jackson & Co. His Excellency's confidence in the concern was rather prematurely expressed; for it will be seen as we proceed, that it was not long after this that the Company backed out of their contract, or acted in such a way as to lead to that apprehension.

ment of steamers." Surely a Government feeling the importance of a measure like this, ought to have been the parties to originate it, and carry it by the powerful influence which they unquestionably wielded! The whole speech was famous for its absence of a promise of any Government work. Perhaps its being the last Session, the safer policy, it was thought, would be to *do nothing* that could endanger their positions; for it was just possible that many of those who had always stood closely by them, might, in this last Session, go on the opposite side, in order to appear well with their constituents. It was well known to some hon. gentlemen that the country generally, by this time, had lost confidence in the Government; and they were not astray in their calculations, as will be made apparent when we come to see the result of the elections which took place in the ensuing summer.

His Excellency, in his Speech, next alluded to the prosperous financial state of the Province. The revenue of 1852 had largely exceeded that of 1851; and that for 1853 had still shewn a greater increase. Shipbuilding was now in a flourishing state; and trade generally quite buoyant. It was one of those periodical seasons of prosperity with us, such as usually happened, and still comes about, say once in five years—when everything would flourish perhaps for a couple of years, to be followed by about three years' "hard times."* His Excellency remarked, the "increase of our resources in "the twelve months just ended, (1853,) shows still more evi- "dent marks of a flourishing trade, and proves an increased "enjoyment of comforts on the part of our labouring popu- "lation." In another place His Excellency stated that the Province was *virtually out of debt*, which was a declaration that any country might be proud to receive. But then, on the other hand, being out of debt does not always imply a prosperous state of things.

* The writer's loyalty will not be questioned, when he states that he believes that this state of things is incident to all Colonies, whose dependence for business is upon the markets of the mother country, a necessary condition to their fate and circumstances. Foreign countries cannot recognize Colonies in any other light than as integral portions of the one Empire, the heart being situated thousands of miles distant from the "dependencies." Therefore our markets are limited. Besides, the commercial interests of communities, residing on opposite sides of the Globe, are by no means identical. Again, dense population on the one hand, and sparse population on the other, is another cause of the comparative poverty of small communities like Colonies, and the prosperity of large ones like the United States.

Dr. Thomson (of Charlotte) moved the Address in answer to His Excellency's Speech. A lengthy discussion followed. The Attorney General, in speaking of the 5th Section, which treated of the protection of the Fisheries, remarked that negotiations were favourably progressing at Washington, by which our Fisheries would probably be thrown open to the Americans on reciprocal terms. In opposition to this declaration strong language was used. It was denied that Her Majesty's Government had any right to yield our Fisheries for the sake of propitiating the Americans—that "reciprocity" was one thing, and property in the Fisheries another. Why should a man entering into trade with his neighbour, demand a certain bonus, when in such matters both stood upon an equal footing—one to derive as much advantage from the transaction as the other? However, it was a foregone conclusion to surrender the Fisheries, and all that members could say to the contrary would produce no effect upon the British Government. The Colonies interested in these Fisheries occupied the unfortunate position of being unable to defend their rights in the Gulf and along the coast, against American aggression; and therefore the English Government might do so, or let it alone—and the Colonies could not help themselves. It was very well for us to say that the Fisheries were our exclusive inheritance; but, if we had no arm strong enough to protect them, we might declaim in the Legislature against the encroachment, until all was blue, while the Americans in the meantime would be helping themselves to our fish. In the course of the discussion, Messrs. Smith, Botsford, Johnson, and others, censured the Government for not giving expression in His Excellency's Speech, to something about Reform, an Election Bill, a School Act, or indeed promise of some kind of measures for the benefit of the country. The Address was passed on the second day's debate, and conveyed to His Excellency.

An important despatch was laid before the House, being a copy of a letter that had been transmitted by His Excellency to the Colonial Secretary, under date May 6th, 1853. This document was expressive of the Governor's views, respecting the general practice of legislation in this Province, against which he took strong exception, especially the great

amount of private legislation, (that is local petty measures, such as should be disposed of by Municipalities—the absence of which institutions His Excellency regretted: for there was but one County in the Province, up to this time, that had adopted Mr. Street's Act,) which consumed the time of the House, and diverted attention from matters more urgent. He said, "the total number of Acts passed in this Session "(1853) is 69—of these 13 only are public and general in "their character, 29 may be called local, and 27 in fact of a "private nature." The fact of encumbering the Provincial Statute Book, from year to year, with so many Acts—many of them sometimes so interwoven with each other as to conflict, and lead to confusion, would, it was alleged, in the course of a few years, unless some remedy were soon provided, lead to litigation and serious consequences. Indeed the whole tenor of His Excellency's letter was a cutting reproof of his advisers—(although not so considered by them, as up to this time Legislative responsibility did not sit very heavily upon their shoulders, or rather they did not act as if it was a matter of concern to them,) for their apathy in not taking steps to remedy the evils complained of, by originating themselves measures suitable to the occasion. But the very fact of His Excellency sitting with a Council responsible, according to their own confession, for the good government of the country, and answerable to the people in all local matters, and allowing His Excellency, without protest, to address his complaints, not to them, who alone were capable of providing a remedy, but to the Colonial Minister, who, so to speak, could do nothing in the matter, except express an opinion in response, bespoke a state of things which showed that up to this time we had but the *shadow* of Responsible Government at *work*, and not the living *substance*. By his action His Excellency ignored his advisers altogether, placing them in such a position, that men of spirit would have resigned their offices rather than submitted to the usurpation. Instead of making a bold stand, they sat and listened to the reading of the censorious remarks of the Governor, condemning them before the House and the country. This letter of His Excellency may be found in the Journals for 1854, and is well worthy the attention of the political student. It may be added here,

that the Colonial Secretary's reply was sympathetic—he agreed with Sir Edmund in every statement. This was Responsible Government in this Province up to this time. In Nova Scotia and in Canada it had long ere this been established upon a solid foundation.

Feb. 18th.—Hon. Attorney General, in answer to a question put to him, stated that as the Government were divided in opinion with respect to the provisions of the Election Bill of last year—some being in favour of the ballot and some opposed—besides, as a Registration must form part of such Bill, and there was scarcely time to pass it so as to become Law for the next general election—it was considered advisable not to re-introduce the measure at the present Session.

A spirited discussion arose upon a most trifling matter. A motion was made that the House should adjourn every day at 1 o'clock for dinner, and resume business at 2. In favour of the motion, it was said that it was too long to wait from 10 o'clock, A. M. until 4 and 5 P. M. without eating; besides it always happened that as one o'clock approached, the House began to thin out, which was evidence that those hon. gentlemen who had a particular regard for the inner man, always managed to indulge themselves, by slipping off either to their hotel, or some adjacent "*refectory*," for that purpose. Those less limber in the legs, or more studious of their Parliamentary duties, were willing to stick to their desks, and wait for the quality hour of 5 o'clock, no matter how severe the knawings of hunger. One hon. gentleman remarked, that he had been accustomed all his life to dine at one o'clock; and if he departed from the practice now, it would lead to a *congestion of the appetite*—or some other serious disorder; and he knew that all the country members were of the same habits as himself when at home. Those gentlemen however, about Fredericton, who had been accustomed to dine at a later hour in the day, had no bowels of compassion for their more peccant neighbours. On the question being taken, however, it was decided—19 to 13—that hon. gentlemen should continue to debate upon empty stomachs!*

* The practice of late years has been to adjourn at one for dinner, and resume business at half past two—an arrangement with which every body appears to be satisfied.

The reason for noticing a matter so frivolous is, that the reader may understand the prodigal waste of time and consequent expense to which the country was subject in those days of "reform agitation." All this dinner business might have been settled in the "lobby," or in one of the Committee Rooms, among members privately, and if the hour were agreed upon, a simple announcement of the fact could have been made by the Speaker from the Chair.

The salary of the Legislative Librarian was raised from £75 to £100.

25th.—Mr. Cutler asked the Attorney General if any steps had been taken (in accordance with resolutions passed the previous Session) for the recovery of £519, moneys that had been withheld for years from the Province by a certain Deputy Treasurer, who had not evinced the least disposition to make good his defalcation? He wanted also to know, whether any thing had been done towards abolishing the offices of Auditor and Receiver General? The fact and not the name is all that is necessary here, with regard to the defalcation, to show the laxity of managing the public business, when a Deputy Treasurer, who stood high in life and perhaps in favour with the governing powers, could withhold so heavy an amount from the Treasury, and still be retained in office. The reply was to the following purport: that the Government had taken no steps to recover the amount due by said official, and were unwilling to do so without special instructions from the House, as there were some doubts *as to whether the Province could recover*, and they did not like to assume the responsibility of saddling the Province with costs. That with respect to the financial check, and the abolition of the offices of Auditor and Receiver General, it involved a Pension List, and negotiations with the Imperial Government,* and that the Executive could not move in the matter unless the initiation of the money votes were placed in their hands. Messrs. Cutler, Smith, Connell, and Johnson, (who appeared to be the leading Reformers and opponents of the Government at this time) rejoined with some acerbity. They contended that the

* We thought we could not stir a finger, so to speak, without running to the Colonial Office.

vote of the House was a sufficient instruction for the Attorney General to have instituted proceedings against the delinquent —that the abolition of the offices had nothing whatever to do with the question of the initiation of money votes,—that as the Government acknowledged the necessity of a change, they should have submitted their plans,—that the House would never consent to yield up the privilege of initiating money votes until Municipalities were established in every County, and the road money, &c., granted to each County in gross,—and that the Government, by doing nothing, had shirked all responsibility. The conversation dropped without any specific motion being made, but it was intimated that the whole matter would be discussed in Committee on the State of the Province.

As a specimen of the fire which occasionally blazed on the opposition side, (very small as regarded numbers,) the following quotation is made from a speech delivered by Mr. J. M. Johnson against the Government, when the subject of the Law Report of the Commissioners was under consideration. "He (Mr. J.) had always opposed the Government on political grounds, and he would oppose it *to the death* while that Government held the doctrine which it does —doctrines which he deemed unsuitable to the country. He would never abandon those principles which he had repeatedly set forth as being best calculated to meet the wants of the country. The proper mode of voting was by a majority, and not by a two-thirds vote—(for accepting the Municipal Act.) Last evening the Attorney General had taken fire, and as he warmed and grew warmer, he had turned upon him and charged him with *factious opposition;* that charge truly belonged to the Government, and it was hardly magnanimous on the part of the Attorney General, now that the ranks of the Liberals had dwindled down to a few steadfast souls, to charge them with factious opposition; for himself, he neither feared the Government, nor courted its favours —he would not accept office under it. His principles remained unchanged; and if his constituents would not support him unless he supported the Government, he would represent them no longer. He had fought with the Liberal party, as warriors fight, for that glorious principle of self-Gov-

ernment, and still thought that the opinions of the Government were a *clog* to the true interests of the country." The Attorney General replied with tartness. Indeed this gentleman was always ready for all comers. His shield and buckler were always at hand. He was tough, pugnacious, dauntless—just the man for leading a Government that stood upon the verge of a precipice, and was doomed to destruction in less than a year afterwards.

March 9th.—Mr. Kerr moved a resolution for a select Committee to be appointed to examine and report upon the amount of mileage paid to members of the House for coming to, and going from, Fredericton. Mr. Kerr in those times was, and is still, remarkable for starting enquiries into all public matters, asking the Government for despatches, and for information in detailed form upon various matters,—such as the Accounts in the Audit Office, Treasury Accounts, information as to road expenditures, when and where made, —expenses of maintaining the Offices of Provincial Secretary, Surveyor General, Post Office; expenses for the erection and improvement of public buildings, &c. &c. In all such cases Mr. Kerr seemed to be the foremost member, and therefore most useful; for if there were no one of this prying disposition in the House, indifference to many matters that concerned the pockets of the people might have been the consequence. In regard to the subject of "mileage," Mr. Kerr's motion was like throwing a stone into a crockery shop in which he himself was to lose in proportion to the damages that might ensue. An inquiry of this nature was significant of a meaning that could not be expressed; and calculated, therefore, to create alarm, if not mischief, especially among those gentlemen who had felt themselves justified by precedent, or long practice, in measuring their miles out of all proportion to the actual distances travelled, supposing the most direct route to and from the seat of Government was the most zig-zag one. Quite a running fire followed this motion. Those who had acted upon the adage of "going the longest way round, as being the nearest way home," did not believe that their constituents, or the country, expected them to travel by muddy unbroken roads, merely because it was a few miles shorter, while the open main road

afforded better facilities and much more comfort. The difference pocketed in this way, it was said, did not amount to enough to justify the hard suspicions entertained, as if hon. members had been guilty of a criminal offence. Mr. Barberie did not believe in any description of cheese-paring —it was undignified. Dr. Thomson did not think that this was a species of retrenchment which the country would thank them for. He was opposed to all innovations, when there was nothing to be gained. He said the papers would get hold of this and make a great fuss about it, and the people would believe that their representatives met together for the purpose of defrauding them. Mr. Connell did not see why objections should be made to the appointment of a Committee—it did not reflect upon any one in particular—those who thought they were entitled to the mileage they had been in the habit of receiving, and could give good reasons therefor, the Committee, no doubt, would listen to them, and be considerate. Mr. Johnson did not believe that all the mileage and the 15s. a day which members received, compensated a large majority of them for their time in coming to the House—it merely paid expenses; nevertheless, the principle of right should be maintained, and he was perfectly willing that a Committee should be struck, and he would be most happy to lay his case before them. He would further say, that the first year he held a seat in that House, he was paid more in the shape of mileage than he felt he was entitled to, but he learned that the Speaker had followed the precedent set by his predecessor. When he came to the House the following year he had a resolution prepared, to have the whole thing investigated, but he did not move it, lest it should have been attributed to a factious opposition, with which he was sometimes charged about that time; but he determined to set himself right, and refused that year to receive any more than he was entitled to, reckoning the distance by the direct route; and ever since then he had pursued the same course. Almost every member spoke, when Mr. Kerr closed the debate. He considered it to be his duty, when he found things to be going wrong, to use his influence to set them right. He found that some hon. gentlemen had been receiving a great deal more, in the shape

of mileage, than they were entitled to, which in the aggregate amounted to a large sum. The resolution was carried 22 to 4; and a Committee appointed to take the matter into consideration, and report to the House. At the time of the discussion a good deal was said at random about the mileage distances.*

A warm "free trade" and "protection" debate occurred, the House having resolved itself into a Committee of Ways and Means. Reference is only made to this discussion, for the purpose of bringing out a particular fact. Mr. Partelow made quite a business speech—he explained the financial condition of the Province—said the revenue of the previous year amounted to £184,000; and as he calculated that the revenue for the present year would not be less, he proposed the reduction of duties upon certain articles, and an abolition upon others. His explanation was lucid, and his suggestions were quite satisfactory to the free trade portion of the House. Mr. Partelow took the lead in these financial matters, and submitted his scale of duties, more as suggestions, than as one feeling that the responsibility of carrying the measure through the House, devolved upon him in particular—for, although Provincial Secretary, he was opposed in his "budget," and defeated in consequence, by a leading member of the Government—so that Responsible Government was still only in its theoretical strides—it had a title, but no character. No one can imagine for a moment that any member of the Government, at the present day, would oppose the Provincial Secretary in his financial arrangements to meet the expenditures of the current or incoming year?

18th.—Mr. Scoullar presented another monster petition, containing 20,000 signatures, praying for an Act of the Legislature to prohibit the importation of Spirituous Liquors into the Province. He then introduced a Bill to carry out the object. A correspondent to one of the newspapers thus remarked—"this Bill will, in all probability, occupy the House

* It was remarked by a wag in reference to a certain hon. gentleman from one of the Northern Counties, that instead of proceeding home by the most direct route, he invariably made a detour by way of St. John, which occasioned a considerable addition to his number of miles; and in order to make even change in the amount of money to which he laid claim, he got a boy at Reed's Point to row him round the "Beacon Light." However, this conceit must be taken for what it is worth, perhaps very little.

" two or three days in discussing it, and it will be that much " time wasted, as it is impossible it can pass, and as impos- " sible to carry it out, were it the law of the land." This quotation is made because the prediction was verified—the Bill was lost. It is unnecessary, therefore, to follow up the discussion. But, it may be remarked here, that a similar measure was brought forward at the next Session, (as will be explained when the time comes,) and led to the great political convulsions so familiar and fresh in the memories of most of the readers of these pages.

April 6th.—Our unfortunate* College was again the subject of severe animadversion. Every once in a while this institution was used as a special target for the shafts of its opponents; or, perhaps more properly speaking, for the censures of those members of the Assembly who considered that the " end" of the College did not justify the " means" that had been employed for keeping it up—that the endowment fund of £2,000 per annum, was money expended without an adequate return in the way of advantages to the Province. On this occasion, Mr. A. J. Smith led up the attack, which was about the severest that the College had yet met with. Mr. Smith at this time was just beginning to make himself felt as a rising member, and what he said therefore was not without influence in the House. In his opening, Mr. Smith entered at great length into the history of the College, and drew the conclusion, that after so many failures, and with only five resident students at present and ten out-door students, (boarding elsewhere,) it was perfectly useless to look for any improvement, and he avowed it to be his object to shut the College up, dismiss the Professors, and sell the lands. He said nothing about the appropriation of the endowment, but confessed himself willing it should be devoted to educational purposes. He was particularly severe upon one of the Professors, whom he named, for having written against him (Mr. S.) in one of the Fredericton papers, for discharging what he considered to be his duty as a legislator in reference to the College. Mr. Harding followed on the same side, denouncing the expenditure of £2,200 annually to do little

* Unfortunate, at the time alluded to, before it had been worked into the more satisfactory shape under its present management.

or no good, and seconded Mr. Smith's plan to close the College. Mr. Hatheway took the other side of the question, defended the Professors, and eulogized them, and said they should endeavour to improve the system of Collegiate Education, and not destroy the College. Dr. Thomson followed on the same side. He proposed that they do away with the Divinity Chair, as there existed a prejudice against it, and makes the Institution entirely secular. The Attorney General next made a speech of considerable length, following Mr. Smith through his statistics, and giving the history of the endowments, &c. He admitted that the institution did not meet public expectations, but defended the Professors, and said no one had as yet assailed successfully the management of the institution—they had anticipated the wants of the country, and the only remedy lay in embracing other branches of education, and not confining it to the higher branches. The Speaker followed, expressing his opinion that nothing could be done to make the College useful at present. His plan was to pass this Bill, and then pass another, suspending the College operation for twenty years, then to be restored again. He would not alienate the endowment, as the time would come when the Institution would be wanted; but in the meantime he would give £200 a year, paid out of the College funds as far as they would go, for high schools, and thus qualify the people for the restoration of the College when the period of suspension had expired. Mr. English spoke in support of the Bill, and thought the Speaker's plan would answer well. This closed the debate for the day, when progress was reported.

On the 7th the debate was continued, and lasted six and a half hours; and on the 8th four and a half hours; when it was agreed that the Governor should appoint five Commissioners to consider the whole subject, and report to the House within twenty days after the opening of the next Session.

The College survived this shock of battle—it still stands upon the hill, its doors never having been closed once against the admission of students, be their religion what it might, or come from whence they may. It even failed to pluck the honours provided for it in Mr. Gilbert's Bill, by its conversion into an Agricultural School; although it may be here

remarked, that education and agriculture now a-days are not ashamed to go hand in hand,—if not upon the College grounds, certainly in keeping pace with the obligations demanded by Agricultural Chemistry, and the other weighty branches connected with successful farming.

10th.—A long debate took place upon Mr. Scoullar's Prohibitory Liquor Bill being committed. A round of temperance speeches followed, and many in opposition to the measure, occupying the time of the House for half a dozen hours, but like many other discussions during the Session, it terminated in—postponement for three months. Then followed a long and tedious debate upon Mr. Earle's Orange Bill, which occupied about half a dozen more hours, and resulted also in what was sometimes called a "three months' hoist." The Audit Office likewise came in for a liberal share of attention; and the "mutilated Accounts" business was again freely discussed. Mr. Johnson led the attack, condemnatory of the Government, but his resolution was lost—28 to 6. Mr. Kerr then moved a resolution, calling upon the Government to abolish the Audit Office, and remodel the whole system—also that the Government should submit an annual estimate to the House early in every Session—which motion was sustained.

29th.—Messages were laid before the House to the effect that Great Britain had declared war against Russia. The Governor was instructed by the Colonial Secretary to lay an embargo on Russian vessels. A joint Address of both Houses to Her Majesty, respecting the war, led to a series of loyal speeches. The Address proposed that all the revenues of the Province should be subject to Her Majesty's call, in case of necessity. The feelings expressed were hearty and unanimous.

On the 1st May the Legislature was prorogued, and at a subsequent date dissolved by proclamation, the quadrennial term of the House having expired. His Excellency's speech was quite brief, and contained nothing of special interest, or worthy of being repeated.

With the close of this Volume the reader is brought down to the termination of the Conservative power, as a distinct

element, in this Province. The people had now—from the frequent contests and agitations—been schooled into something like political discipline, and into a knowledge of the importance of giving more of their time and attention to those principles of Responsible Government which were thought to underlie economical, judicious, and wholesome Legislative action. It was now considered by the people to be their first duty to select men as Representatives—not upon their own avowed sentiments and promises, but upon their well known and established reform proclivities—in whom reliance could be placed, and whose professions upon the hustings would not likely be contradicted by their conduct in the Legislature afterwards. The period of Sir Edmund Head's administration closed with this Session. As a strong-minded, self-willed man, His Excellency left the Province without a peer among Governors. The preceding Chapters in this Volume attest to this certificate. He was succeeded by the Hon. Mr. Manners-Sutton. The first Chapter, therefore, in the next Volume, will usher in a new Lieutenant Governor—a new House of Assembly—and the first Reform *Party* Government ever established in New Brunswick. Consequently, from the year 1855, may be dated nearly all the important reform measures which have since found a place upon our Provincial Statute Book.

To the Press of this Province is due at least half the credit for the success which has attended the great struggles in and out of the Legislature—and for the political privileges which the people now enjoy—whose labours commenced in earnest with the year 1842, and were continued down to the final consummation of Responsible Government—the end of the Session of 1854.

☞ [*Instead of adding these "local occurrences" to the end of each Chapter, as promised at the commencement, it has been thought better to place them all together at the end of each Volume.*]

LOCAL OCCURRENCES IN THE YEAR

1841.

☞ Intelligence arrived in St. John, April 12th, of the death of President Harrison, after having been in office *just one month!* He was succeeded by the Vice President, John Tyler, of Virginia.

Election of Officers of the St. John Mechanics' Institute.

John Duncan, Esq., *President.*
Dr. Gesner, Wm. Jack, Esq. } *Vice Presidents.*
Robertson Bayard, Esq., *Corresponding Secretary.*
Henry J. Chubb, *Recording Secretary.*
John G. Sharp, *Treasurer.*

DIRECTORS.

Alexander Lawrence,	Edwin Fairweather,
George Younger,	Thomas Barlow,
James M'Gregor,	George Flemming,
Thomas Rankin, Jr.	James Harris,
Thomas Daniel,	Charles M'Lauchlan,
Richard Duff,	John Gray.

☞ Sir William Colebrooke (the new Governor for New Brunswick) arrived in St. John from Windsor on the 22nd April.

St. John Newspapers.

The only papers published in St. John in 1841, were the Courier, by Mr. Chubb—the City Gazette, by Mr. Till, (Senior)—the Observer, by Mr. Cameron—the Chronicle, by Messrs. Durant—the Herald, by Mr. Sancton—and the Morning News—papers all extinct, except the last named.

Chamber of Commerce.

The following are the names of the Committee of the Chamber of Commerce :—

L. Donaldson,
E. DeW. Ratchford,
William Walker,
S. L. Lugrin,
R. D. Wilmot,
John Duncan,
W. H. Street,
John Wishart,
John Pollok,
Charles Ward,
James Whitney,
William Mackay,
F. A. Wiggins.

L. Donaldson, President; E. DeW. Ratchford and William Walker, Vice Presidents.

Departure of Sir John Harvey from New Brunswick.

On Monday evening, (May 3rd, 1841,) at 7 o'clock, Major General Sir John Harvey arrived at Indian Town in the Steamer Fredericton. Sir John was accompanied by Lady Harvey, Captain and Mrs. Tryon, Mr. Henry Harvey, R. N., Mr. Warwick Harvey, 36th Regiment, Mr. F. Harvey, 34th Regiment, and Brigade Major Nugent. A numerous and respectable body received Sir John on his arrival, and escorted him to the City; among them we noticed His Honor the Speaker, His Worship the Mayor, the Recorder, the City Chamberlain, the Hon. Mr. Johnston, and several others of high respectability. Sir John and Suite immediately proceeded to the St. John Hotel, where apartments had been previously engaged. Yesterday, at two o'clock, Sir John held his farewell Levee, at the Long Room of the St. John Hotel, which was numerously attended. The venerable John Ward, Esq., the father of the City, presented the Address from the City and County of St. John, which was read by M. H. Perley, Esq. Sir John replied in very excellent style, and with great feeling. Mr. Duncan, the President of the Mechanics' Institute, presented the Address from that body, which was read by Robertson Bayard, Esq., the Corresponding Secretary, and then the Rev. Mr. Campbell, of Gagetown, presented an Address from the Clergy, Magis trates and inhabitants of that Parish. We were informed that an Address had been previously presented by His Worship the Mayor, from the Common Council, and we can only regret that want of space alone prevents our giving these Addresses, and the several answers, in full. After the presentation of the Addresses, the Rev. Dr. Gray presented the Clergy of the Diocese, and other Clergymen paid their respects; the Rev. Mr. Dunphy received particular and marked attention from Sir John Harvey. The Recorder next advanced at the head of the Bar, and then the Magistrates, Military and Civilians, took their farewell. Altogether the scene was an affecting one, and Sir John Harvey will long have reason to be proud of the kind, the feeling, and the really affectionate manner, in which the people of St. John took their final leave of one whom they have always delighted to honour.

At 3 o'clock last evening, Sir John, family, and suite, left in the Steamer Maid of the Mist, for Windsor. We understaud that Sir John expects to leave in the Steamer of the 18th, for England, if a general officer should previously arrive to take command of the troops.

☞ The Government Emigration Agent received intelligence from England, of ten Emigrant Vessels being on their way to St. John, with 1841 emigrants on board.

☞ No tidings up to 23rd May of the Steamer President, which left New York early in the year, for Liverpool, with a large number of passengers on board—(passengers and crew numbering 181) among whom was Lord Lennox, son of the (late) Duke of Richmond. Also Tyrone Power, the celebrated Irish Comedian.

☞ On the 18th June the Morning News commenced to publish *daily*, and was so continued for some time, there being no other tri-weekly in St. John. It afterwards returned to its three days in the week arrangement.

Corporation Extravagance.

The following extract is made from the Common Council proceedings, (June 21st, 1841,) in order that the Citizens of 1867 may have some idea of the hard things that were said in the "olden times" in regard to Corporation extravagance:—

"Alderman (Col. B. L.) PETERS.—No, Alderman Bond, I do not misunderstand. The large and extravagant expenditure of the people's money has been allowed by the negligence of this Board. I do not think if the real truth were known, the funds of the Corporation have increased more than £2,000 per annum for several years. You dare not ask the Chamberlain who credits you, and you are afraid to look into the state of your affairs. I blame this Board for going on continually in the dark; for neglecting what is due to the community and to itself. I said this to you before, and I now say it again. Let us ascertain what we owe, and take an honourable course to pay the amount. The circumstance alone of persons beginning to call their money in, is a test that you are losing the confidence of the people."

☞ "Chubbs' News Room," moved from the brick building, (3rd flat over store now occupied by Mr. John Armstrong,) corner of Prince William and Church Streets, to the new Brick Market House, situate directly in the centre of the Market Square.

☞ Mr. Junius Brutus Booth, the celebrated Tragedian, (father of Booth the Assassin of President Lincoln,) arrived in St. John, and gave a nnmber of performances. His Richard III. was said to be equal to that of the elder Kean, of whom in his earlier days he was a rival.

The "Old Burial Ground."

On the 21st June, the subject of removing a long wooden building, (which stood on King Square, fronting where the Bell Tower now stands, and used for an Engine House,) came up in the Common Council for discussion. It was proposed that the building should be removed to the South end of the Burial ground, and used for a Country Market—notwithstanding the dead were still being buried here. There was nothing around the Burial ground, however, but an old rickety fence. Although the motion was strongly supported, it was finally agreed to have the building taken down and destroyed. The improvement of late years made in this sacred place of rest will protect it against desecration for very many years to come.

☞ The first Parliament of Canada, under the Act of Union, met at Kingston (Western C.) on the 15th June.

Congregational Church.

The Congregational Church, in Union Street, St. John, was commenced in July. Rev. Mr. Galloway, an excellent Pastor, afterwards laid the corner stone, with imposing ceremonies.

Somewhat Prophetic.

In July, 1841, the writer made a trip to Fredericton, it being his first. On his return to St. John he wrote a lengthy laudatory account of all that he saw worth noting, and finished his article in the words subjoined, little anticipating that there was the smallest prospect of his ever attaining the position he now occupies:—

"Should we receive punishment for our political sins, we trust that our Judges will transport us to Fredericton, as we could very well eke out the remainder of our days in exile in such a place."

☞ The Rev. Lord Augustus Fitzclarence preached in St. Paul's on Sunday morning last. His Lordship read the altar service, and delivered an impressive and eloquent sermon, which was listened to with deep attention by a crowded Church.—*Halifax Times.*

☞ On the 17th July "The Newbrunswicker" (tri-weekly) was started by Mr. William Till, which was the fourth morning paper in the Lower Provinces—being two in St. John and two in Halifax.

☞ His Excellency Sir Charles Fitzroy, Governor of Prince Edward Island, arrived at the Saint John Hotel, on Wednesday afternoon, *via* Sussex Vale. We understand His Excellency proceeds immediately to Fredericton, accompanied by his Private Secretary, Mr. George Fitzroy, and Mr. Haviland.

☞ Considerable agitation for opening Water Street, in continuation to Reed's Point. It was not until the Session of 1866, that a Bill was carried for having this work done, and the street is now nearly opened.

☞ The *first story* of the new Custom House Building nearly up in July.

The Thermometer in Fredericton.

The following is a statement of the thermometer in the shade, at Fredericton, furnished by Captain Wylie of the Steamer New Brunswick:—

Sunday,	July 13,	82.
Monday,	" 19,	84.
Tuesday,	" 20,	88.
Wednesday,	" 21,	92.
Thursday,	" 22,	97½.

Our new Governor's advice to the Common Council.

As in natters political, so in civic, Sir William Colebrooke evinced an earnestness, which seemed, if any thing, in advance of the times, certainly in advance of the public spirit of our public men. His Excellency made a num-

ber of valuable suggestions, in a written communication, to the Common Council, as will appear from a report of the proceedings, July 29:—

"The minutes of the last meeting and the standing orders having been read, a communication from His Excellency Sir G. M. COLEBROOKE, to the Mayor and Common Council, was read. It suggested a variety of valuable improvements in the City. His Excellency represented in a forcible manner the benefits which would result from having a steam communication immediately between this City and England, and recommended that a suitable wharf should be at once erected. His Excellency also recommended that accurate surveys and reports should be prepared for establishing a set of public Wharves and Docks. The works, he said, would no doubt pay for themselves. Also that the City should be supplied with water. These improvements could either be made by the Corporation, or by private Companies. His Excellency further recommended that a constant supply of water should be kept on hand at the wharves, for the use of vessels; that the public sewers should be better regulated; and that the lighting of the streets with gas, would contribute to the greater comfort of the inhabitants, and security of the City. The last improvement suggested by His Excellency is the laying out of King Square into pleasure grounds. This would, he said, lead to cleanly and good habits in the people."

Distinguished Arrivals.

The Steamer Nova Scotia, Captain Reed, arrived on Saturday afternoon from Windsor, having on board Sir Jeremiah Dickson, and servant, Lieut. Gibson, A. D. C., Colonel Bazelgette, Hon. Mr. Allen and Son, from Toronto, G. F. Gilbert, Esq., Mr. Pugh and Lady, and several other passengers, (names unknown.) The Lord Bishop will be here on Thursday next, in the Nova Scotia. The new ship Lady Falkland, of 700 tons, built by Mr. Scales, at Parrsborough, for Messrs. Ratchford & Brothers of this City, was towed in by the steamer.

Large Fire in Portland, (St. John.)

A disastrous fire broke out in Portland on the 26th August. A man had been working on a new vessel owned by Messrs. Owen & Duncan; on going to dinner he failed to use the necessary precautions, and a pot of boiling tar overflowed, ignited, and communicated with the chips. The ship was soon in flames. In a few hours afterwards half the village of Portland was laid in ashes.

King's Square in 1841.

Extract from Morning News, Sept. 10th:—"A great improvement has lately been made by the removal of the old Market House, and the levelling of the ground; but much yet remains to be done. In many places the square is still uneven, and presents to the eye rather a clumsy and awkward appearance. We hope the Common Council will not lose sight of this. It might, at a trifling expense, be made one of the most agreeable resorts in the City, upon the plan suggested by His Excellency the Lieutenant Governor. What would be the cost of turning the whole square into a grass plot, interspersed with walks and trees, in comparison to the benefits which our citizens would reap from the improvement in their health?"

Death of Lord Sydenham.

[Correspondence to the St. John Morning News.]

KINGSTON, (Canada) 21st Sept., 1841.—Sir: I suppose you have heard of the melancholy death of Lord Sydenham, he died last Sunday morning—just

a fortnight after he had his leg broken—he was quite sensible and conscious ten minutes before he died, and conversed freely with the Clergyman who attended him, (Mr. Adamson.) Dr. Kidmer was sent for, from Toronto, but His Excellency was too far gone for him to avail him any thing: he says, nevertheless, that he never attended any person yet that had so powerful and strong a mind, with such a feeble and weak body, as Lord Sydenham. He lies in state to-day; and at his own request, his body is to be buried in Canada; he will be interred on Saturday next, at or near the Penitentiary, where a piece of ground is to be consecrated, and a monument erected to his memory. Poor man! He said during his illness, "I thought three days ago, that I would be able to leave this bed in three, but now I know I will never leave it." He took the sacrament the day before he died, and gave advice to his servants with respect to their future conduct. A most melancholy end for him, to come out here—with all his troubles before him—and then to die, just as his schemes and plans had been crowned with success. Opposed as we have been to him in politics and principles, we cannot but respect his memory as a noble and enterprising man, and one that took a deep interest in the well-being of the country.

In the Supreme Court.

William R. M. Burtis, William Watts, Broke W. Hammond, and George N. Segee, Gents., Attorneys of this Court, are called to the Bar, and admitted, sworn and enrolled Barristers.

Peter Clinch, Andrew Rainsford Wetmore, Edward H. Wilmot, A. B., and George Connell, Students, having produced the requisite Certificates, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attorneys of this Court.—*Royal Gazette.*

St. Andrew's Society.

At the Annual Meeting of the St. Andrew's Society, held in St. John, on Thursday evening, the following gentlemen were elected Officers for the ensuing year, (the former President, the Hon. John Robertson, and the Vice-President, Thomas Nisbet, Esq., having resigned):—

Dr. Boyd, *President*,
John Wishart, Esq., *Vice-President*,
John Duncan, Esq., *Treasurer*,
Mr. James Robertson, *Secretary*.

☞ A new weekly paper called the *Mirror* was started in St. John in Dec. by a Company—the Committee of management being Messrs. Francis Collins, P. M'Cullough, H. M'Cullough, William Doherty, William Doherty, Jr., and Francis M'Dermott. Mr. Fitzgerald—a well educated Irish gentleman—Editor.

"*St. John again in ashes*—70 *Houses destroyed.*"

The fire broke out on the night of the 15th November, in the last house but one on the lower end of the South Market Wharf. A tremendous gale of wind swept up the wharf—in a short time afterwards almost every building on the wharf, and along both sides of Water Street, as far as the ferry, was in flames—also houses on the West side of Prince William Street and Ward Street. The new brick Market House, which cost £3,000, directly in

the centre of the Square, was destroyed. The fire swept from this building up the northern end of King Street, scorching many houses—all of which would have been destroyed had not the engines concentrated their full force upon them, as this was the only chance of saving all the northern part of the City.

Incendiaries.

The above fire was supposed to have been the work of an Incendiary. On the night of the 30th November, three attempts were simultaneously made to destroy the City. The new Mechanics' Institute was set on fire in two different places, and considerable damage was sustained. Ignited combustibles were forced into one of the windows of Trinity Church, and had the attempt been made at a later hour, the building, it was supposed, could not have been saved. An out-house in the rear of Mr. Smith's dwelling, lower end of the City, was also set on fire. The fires all broke out about the same hour, (eight o'clock in the evening.) Every one was greatly alarmed at these daring attempts to destroy the City.

Public Meeting.

In consequence of the above incendiary attempts, a public meeting was called—the following will explain the particulars:—

"A large and highly respectable meeting was held last evening, at 5 o'clock, at Mr. William Hammond's new building in Dock Street, to take into consideration the establishing of a Night Police, for the protection of our citizens during the coming winter.

Daniel Leavitt, Esq., was called to the Chair, and M. H. Perley, Esq., requested to act as Secretary.

The Chairman addressed the meeting, and explained its object to be the organization of a Volunteer Association of Freeholders and Freemen, for the protection of the City from Incendiaries.

It was then moved by Mr. William O. Smith, seconded by Mr. James Malcolm, and resolved unanimously—That the individuals now assembled form themselves into an Association, to be called "The St. John Mutual Protection Association."

Moved by Mr. Alexander Robertson, seconded by Mr. Edwin Ketchum, and resolved unanimously—That Messrs. William Hammond, Charles C. Stewart, William O. Smith, Thomas M'Avity, Michael Thompson, Robert Robertson, James Lawton, M. H. Perley, James Malcolm, Alexander Lawrence, Alexander Robertson, Robert L. Hazen, Charles Raymond, George Thomas, S. L. Lugrin, William Leavitt, Daniel Leavitt, and George A. Lockhart, be managers of the Association, with power to add to their numbers.

Moved by Mr. William O. Smith, seconded by Mr. F. Jordan, and resolved —That such of the members of this Association as may be required by the managers, do attend at the City Court Room every evening, to act as a Nightly Watch, and that one or more of the managers do attend to take charge of the same.

Moved by M. H. Perley, seconded by Dr. Gesner, and thereupon resolved —That the managers have power to frame Rules and Regulations for the government of the Association, and report the same at a meeting to be held at the Court House this afternoon at 5 o'clock.

Alderman Porter stated to the meeting, that a list of most respectable names had that day been laid before the Common Council, of persons willing to serve as a Volunteer Watch. That the Common Council hailed the announcement with great satisfaction, and had ordered the City Court Room to be warmed and lighted every night, for the use of the Volunteer Watch, and that they would pay a Secretary if necessary. The Alderman further stated, that all persons enrolling themselves in the Association, would be sworn as Special Constables.

A Watch for the night being called for, thirty citizens immediately volunteered, of whom George A. Lockhart, Esq., was at the head. They were requested to assemble at the City Court Room, at 8 o'clock, P. M., where it was understood His Worship the Mayor would meet them and swear them in. The Chairman having left the Chair, Alderman Porter was called thereto, when thanks were voted to Daniel Leavitt, Esq., for his patient and gentlemanly conduct in the Chair, and to M. H. Perley, Esq., for his able conduct as Secretary.

The managers were requested to meet this morning at 10 o'clock, at the Court House, for the purpose of framing Rules, and the meeting adjourned until this afternoon at 5 P. M., to receive the report of the managers.

About 400 persons enrolled themselves at the meeting, and it was announced that lists would be left for signature this day at Mr. James Malcolm's, W. O. Smith's, Thomas M'Avity & Co., and Robert Rankin's, York Point."

This patrol continued for the winter—about 30 volunteers each night assembled at the Court House, and were detailed off into "beats." The Captains of the respective divisions regaled the members at their private houses, with refreshments provided in the most sumptuous manner. Altogether the watchmen had a good time of it. But the movement had the desired effect —for no incendiary after that dared to show his hand.

☞ Died in St. John 30th November, Lieut. Alexander Thistlethwayte, of the 36th Regiment. He was buried with Military honours in the old Burial ground.

Prince de Joinville at the Tomb of Napoleon.

On arriving at St. Helena, the Belle Poule exchanged the customary salutes, and anchored in front of Jamestown. The morning after her arrival, the officers of the ship commenced their pilgrimage to the tomb of the Emperor. As the Prince approached the spot, he suddenly stopped short under the influence of emotions not to be described. A violent palpitation of the heart succeeded, and for some time arrested his progress. Three flag stones, blackened by time, formed the simple monument of departed grandeur!—a chain of white stone surrounded it, while *pensees* and *immortelles*, planted by the fair hands of the Countess Bertrand, still bore testimony to the love that "many waters could not quench." A common iron railing guarded the whole. The body of Napoleon rested for a time under the shade of two weeping willows; now but one of them is left, and lay prostrate as the dead. An English Lady, however, Mrs. Dallas, had attempted to repair the loss by planting a small grove of the same kind, and the French gentlemen present breathed a prayer for that "excellent woman," whose heart, English though it might be, did not hesitate to honor the memory of the fallen Emperor.

Here they all remained some moments on their knees, "a crowd of tumultuous thoughts choking their utterance."

Presently they arose, and the Prince walking around the Tomb, gathered a flower from near the head stone, and pressed the withered memorial to his lips.

Nor was it outward show alone, but his heart spoke. The old sentinel who stood there was loaded with the contributions of the Prince and his companions. A tear started from the veteran's eye, as a shower of Napoleons fell into his doffed cap.

They next visited Longwood, never a fit residence for the captive, and now utterly in ruins. The walls, the floors, the windows, were all decayed, the door creaked upon a single hinge. "Here he lay," said Bertrand, "here he rested his aching head, here he drew his last breath." Loud sobs followed these brief, but saddening exclamations. They alone broke the silence of the solemn scene.

Birth of the Prince of Wales.

The following order was issued by Colonel Maxwell.

St. John, 8th December, 1841.

District General Order.—The officer commanding the troops felicitates the army on the birth of a Prince of Wales, and directs that this joyous event be announced to the inhabitants of this loyal Province, by the firing of a Royal Salute at noon, upon the receipt of this order in the different garrisons, and that the troops be under array to fire a *feu de joie* on the occasion.

By Command.

(Signed) John Gallagher,
Town Major.

St. Patrick's Society, St. John.

At the Annual Meeting of the St. Patrick's Society, held on Tuesday evening at the St. John Hotel, the following gentlemen were chosen Office-bearers for the ensuing year:—

William End, Esq., Q. C., *President*,
Mr. William Parks, *Vice-President*,
Mr. William Hutchinson, *Treasurer*,
Mr. William Mills, *Secretary*,
Mr. Thomas Magee, *Assistant Secretary*.

☞ Hon. W. B. Kinnear, St. John, City Recorder—1841.

The Princess Royal.

The following is from an English paper:—

"Express from Windsor.—Last evening a most diabolical, and it is to be regretted, successful attempt, was made to kiss the Princess Royal. It appears that the Royal babe was taking an airing in the park, reclining in the arms of her principal nurse, and accompanied by several ladies of the Court, who were amusing the noble infant by playing rattles, when a man of ferocious appearance emerged from behind some trees, walked deliberately up to the noble group, placed his hands on the nurse, and bent his head over the Princess. The Hon. Miss Stanley, guessing the ruffian's intention, earnestly implored him to kiss her instead, in which request she was backed by all the ladies present."

☞ The St. John Post Office has been removed to the corner of King and Germain Streets for the present. We understand that after the new Custom House is completed, it is to be removed to that building.

1842.

A Prediction.

In the year of our Lord 1870, the Throne of England will be occupied by Edward VII. Mark our words, and see if we do not turn out to be a good prophet. The first part of our prophecy will be fulfilled as soon as we learn that the Prince has been baptised Edward—the latter part will be fulfilled in due season; we must only have patience and wait until it comes to pass. Should our prophecy turn out correct, we shall then prophecy something else, for the satisfaction of our readers, who, by the way, will all be pretty bald-headed by that time.

☞ In what way the above idea ever got into the Editor's head, he is unable at this time of day (1867) to state.

Enterprise in St. John.

The Morning News gives the astonishing fact that the scene of the late conflagration is nearly all built up again! It is but little more than a month since the fire took place, and the rapid erection of new buildings is but another example of the spirit and *unconquerableness* of the business men of the sister City. We only wonder how they stand it! One or two such fires would ruin Halifax; the sites of the houses would lay vacant, perhaps, for years; but no sooner is a block burnt down in St. John, than they turn to, as a matter of course, if not of necessity, and up goes another range, as if by magic.—*Halifax Post.*

☞ Flour in St. John $9 25 per barrel.

☞ The new Governor General of Canada, Sir Charles Bagot, arrived at New York from England.

Extract from a Lecture delivered by Dr. Robb, before the Mechanics' Institute, January 1842, *on "Atmosphere."*

The climate of St. John was very peculiar, and he would suggest whether that Institution should not co-operate in endeavouring to obtain information. Temperature, as he had before remarked, was a most important element of climate, for everybody knew that the climate of any place depended upon its latitude. But though latitude exercised the greatest, it did not exercise the only influence; longitude and altitude must also be taken into consideration. Those then were the three great co-ordinates which were to be investigated. The climate of Norway was very peculiar. Corn grew there in 70° north latitude, though there was nothing but ice and snow in the same latitude in Asia and America. In England the mean temperature is 10° higher than in North America. St. John and Fredericton were about the same as Stockholm and St. Petersburgh. The low temperature of the American continent must be ascribed to its great breadth. Climate of the east and west side of the Rocky Mountains explained. The winter at Nootka Sound is exceedingly mild, and does not come on till the middle of January, yet this place was rather more north than south of St. John. Probably this might be occasioned by the neighbourhood of the Pacific Ocean.

The temperature of Windsor, and other parts of Nova Scotia, was so high that he had been afraid to mark it down; indeed, ploughing had been known to take place in Annapolis as early as January. It was always colder on the east than on the west side. At Fredericton they had the summer of Milan, and the winter of St. Petersburg. The difference between oceanic and continental climates explained. He (Professor R.) was inclined to ascribe the great salubrity of oceanic climates to their invariableness. Variable climates were found in London, Paris, and Brussels. The American climate must be called excessive. The greatest range is always found in land climates. Climates which correspond in severity with North America, are to be found far in the interior of Asia, and on the west side of the great eastern hemisphere. At Pekin, in China, the winters are like in Halifax, and the summers like New Orleans. There are some places on the face of the earth, which are much colder than either the most northern or most southern part, owing probably to magnetic attraction. Altitude is another great modifier of temperament. Progression of climate materially affects man and his capacities. In temperate climates he cultivated those pursuits which do not require the whole faculties to be drawn out; but in colder ones, he is more stirring and vigorous, until we come to the frozen regions, which are inhabited by a diminutive race.

The climate of St. John is a coast climate: it is characterized by a comparatively limited range of the thermometer, and by frequent changes. These are the peculiar attributes of an internal climate. The extreme range at Fredericton is greater than at St. John. Last year there were seven months of winter at Fredericton. A river breaks up at a mean temperature of 39 or 40 degrees. Hardwood trees push out their leaves and flowers at 51° and 52°. Wheat grows at about 45° or 55°. The best kind of seed for the New Brunswick farmer is that obtained from the north, rather than from the south. It is rather owing to the want of skill, capital, and drainage, than to the shortness of the season, that failures of crops in the Province are to be ascribed. There is great encouragement then for the New Brunswick farmers to persevere. It must be quite obvious that drainage—or the draining of cold water from the soil—should be the first thing to be attended to. The leaves of trees and plants require more water than the roots, which are in a torpid state. Manure should be spread above, and not below the roots, in order to draw the shoots upwards. In speaking, however, of the influence of soil, and the presence or absence of ice, Professor Robb said he should be obliged to pass them over for want of time. Impure air in the atmosphere is caused by the decay and decomposition of vegetable and animal matter, which originate epidemics, agues, and fever. But these are not the only causes of disease, for in Africa fevers are always present. The lives of plants are consumed in absorbing and evaporating moisture, and little doubt can be entertained but that vegetation gives rise to coldness in the seasons. Spring comes on much earlier in a well cleared than in a wooded country; in the former the summer is not so hot, but it is more clear, there is more rain, but less snow. The climate of England is much altered for the worse; in China, however, it was said, no change had ever been known. All climates are consistent, and though they may appear variable to us, life is too short, and the period required for making observations too long, to allow of one perceiving their uniformity.

☞ January 28th—the boiler of the steamer "Experiment" exploded, while lying at the end of the North Market Wharf—by which accident several lives were lost. George Blatch, Esq., who was standing near the end of the wharf, received such severe injuries that his life was despaired of. This gentleman is now (1867) Clerk of the Circuits for St. John County.

Startling Facts.

We are informed that there are at present upwards of 4,000 individuals in St. John, depending upon public charity for support; and that 600 individuals are on the limits—unable to meet their debts. Goodness knows what we are coming to! If the times do not soon alter for the better, we will be like the shipwrecked mariner—be obliged to turn to work and eat up one another, for food.

Lost Children found.

In a previous number we alluded to two children, as having been lost in the woods at Dartmouth. We learn from the Halifax Post that the unfortunate innocents were found on Sunday last about seven miles from their home. They were lying locked in each others arms, and in the embrace of death. Yet, even so, the afflicted parents will feel thankful that Christian interment can be given to their dear children.

Mortality in one Regiment.

The 36th Regiment, which sailed yesterday from St. John for England, has been absent from home twelve years. While in conversation on Saturday with a gentleman belonging to the Regiment, we learned among other curious things, that only 40 men out of 700 returned to their homes, after an absence of only twelve years.

Great Mortality among the 52nd Troops at Fredericton.

We learn from our Fredericton Agent that the troops are dying off very fast. On Thursday the bass-drummer died; on Friday the Quartermaster; and on Saturday two privates. We had no idea that the climate of Fredericton was so fatal to the troops in Garrison—but, perhaps, they contracted some disease before their arrival in the Province, and it is only now that it is beginning to manifest itself.

☞ Salmon selling in St. John Market (June 22nd) at 2s. 10d. each.

Snow in Summer.

Last Friday, June 20th, (says the N. Y. Sun,) it snowed all day at Bennington, Vt., and on Wednesday night thick ice formed there. Ice also formed at Rochester last Friday night; and the Catskill mountains were covered with snow. On Saturday it snowed in and about Springfield, Mass.

☞ The hour of evening service in Trinity Church, St. John, changed from 7 to 6 o'clock.

☞ Upwards of 7,000 Emigrants arrived in St. John from April to July, 1842, nearly all of whom left for the United States.

Loss of Life in the Harbour of St. John.

It becomes our painful duty this morning, to record a most melancholy loss of life, which took place in our harbour yesterday afternoon—no less than ten individuals met with a watery grave. The ship Silkworth, which arrived here from Cork on Thursday, with passengers, has been lying down at the Island; and it appears a number of the emigrants undertook, about 4 o'clock yesterday, to come up to town to join some of their friends. Accordingly they jumped into the ship's long boat for that purpose. It was very foggy at the time; and when they had got up about off the new Custom House, they very unexpectedly fell in with the Ferry Boat, which was crossing over from Carleton at the time. The passengers became alarmed, as they expected to be run down, and in their confusion upset the boat, when she immediately swamped and went down, leaving the passengers struggling in the water. We are informed by one of the steamboat hands that it was an awful sight to witness the women and children struggling for life—their shrieks were truly heart-rending. The steamer at once stopped her paddles to render assistance. Several boats put off from the shores, on both sides of the harbour; and between them all succeeded in rescuing about eight of the unfortunate emigrants from a watery grave.

Disgraceful to our City.

Our streets (in St. John) last evening, presented a truly disgraceful scene of *rioting;* and of such a magnitude as we have been seldom called upon to witness. It appears that a party ribbon, well known in Ireland, had been hoisted on a flag-staff, in rear of the City, which gave offence to certain individuals belonging to an opposite party, and they accordingly pulled the staff down. The owner of the premises, at this piece of daring, became quite indignant, and threatened death to the rioters. He was prevented however, putting his threat into practice, which he most assuredly would have done, had it not been for some by-standers. This party-feeling which had been stirred up in the morning, continued to wax warm through the day, and at half past six o'clock it broke forth like a volcano. On looking out of our office window, we beheld a dense crowd collected near the St. John Hotel; there could not have been fewer than 1000 persons—some hooting and yelling and screaming at the highest pitch of their voices, in the most deprecating terms, and making use of epithets on *party character*, truly disgraceful to hear. On going up the street, and reaching the crowd, we found it in a perfect state of commotion, as if all the evil spirits of the City had got into its midst; some were striking, others were defending themselves; torn shirts, black eyes, and bloody noses appeared very conspicuous, and alarmingly frightful; the more peaceable, were for getting out of danger as fast as they could, while the curious—like ourselves—to know what all the trouble was about, were running into it, so that between the scramblers to get out, and the scramblers to get into the crowd, the scene that presented itself was one of indescribable and awful confusion. The crowd now moved down King Street, *en masse*, and suddenly turned off into Germain Street, and back again into King Street, fighting and yelling as they moved along. The Mayor and several of the Magistrates, and also officers M'Geachy and Stockford, appeared to be the only force arrayed against the rioters, but *they* performed their parts manfully. As soon as any of them would arrest

an offender whom they singled out, it was a signal for a fresh outbreak of violence; the depredators would then rush to the rescue, and carry every thing before them by main force. On reaching the foot of King Street, the mob turned off into Water Street, where one of the rioters was arrested, and handed over to Alderman Peters—who conveyed him up the Arcade steps into Prince William Street. The mob being unable to force its way through this narrow defile, broke ground and divided—some running one way, and some another, to get into Prince William Street by the nearest route, for the purpose, apparently, of rescuing the prisoner. By this time the Alderman was conducting his prisoner up Church Street, on his way to jail; and as soon as the mob united again, the same disposition was shown for rescuing; but the Mayor and several gentlemen interfered most stoutly, and prevented, as much as possible, the crowd following up Church Street—consequently, the prisoner was finally lodged in jail. Two others were also conveyed there, by other hands—where all three now lie awaiting their trial; and we trust such an example will be made of them as will be the means of preventing, for the future, any more such disgraceful outbreaks caused by the ebullition of party feelings.

Meeting of the Magistrates of the City and County of St. John.

A special meeting of the Magistrates, convened by direction of His Excellency the Lieutenant Governor, was holden at the Court House on Monday, (July 27th,) to take into consideration the state of the people—and what means could be adopted—to relieve the distress of those unemployed. A large number of Justices attended, and after much discussion and various suggestions made, the following resolution was unanimously passed:—

"*Resolved unanimously*, That this Board regret to learn from His Excellency's Circular, that so much distress exists in various parts of the Province; that in the City of St. John it prevails to a great extent, but the Justices have no available means to meet any extraordinary emergency which may arise for supplying the wants of the unemployed poor; that they view with much alarm the present year's assessment in the City and County of St. John, amounting for various purposes to the enormous sum of £8,000, besides an unrealized sum of about £3,000 yet due for the past year, and thereby inducing the apprehension that those taxes, although short of what must be requirred, will only be partially collected; that any pledge of the City and County credit for repayment of a temporary loan, it is considered, would, on the part of the Sessions, be illegal; and if it were not so, under the present universal embarrassment of the mercantile community, they think there is not a possible hope of obtaining the aid of funds by Local Loan.

The Justices are therefore of opinion, that if distress so generally prevails as His Excellency's Circular induces them to believe, the relief will not fall within the province or power of the Sessions, but is rather a matter which can only be provided for by Legislative enactment."

New Church Opened.

The new Church in the Parish of Portland, (Valley Church,) was opened on last Sunday, for the first time. The Church—which, by the way, is pleasantly situated, and very neatly fitted up—was crowded to excess. The Rev. the Rector gave a very eloquent and appropriate discourse, taking his text from Psalms xxvii—4, 5. We are informed that all the pews downstairs are to be handsomely lined before being sold, and that the up-stairs seats are to be all free.

Steamboat Opposition.

The Huntress and North America—which have become rivals for the conveyance of passengers between this Port and Boston, both started yesterday morning on a pleasure cruise to Eastport, taking passengers at five shillings each; they were considerably stocked with ladies and gentlemen belonging to this City, perhaps two hundred between them.

☞ Our Steamers in 1842 only went as far as Eastport, and were there met by a Boston Steamer, to which was transferred freight and passengers. Now (1867) three Steamers run between St. John and Boston, averaging perhaps 250 passengers a trip.

Saint John August Circuit.

His Honor Justice Parker delivered a most excellent charge to the Grand Jury, at the opening of the Court on Thursday last. He adverted particularly to the riot in this City on the 12th ult., and strongly condemned the exhibition of that peculiar description of party feeling which has been the bane and curse of Ireland. His Honor earnestly recommended the cultivation of unanimity and brotherly love, and deprecated the necessity or expediency of any party association of a political nature in this country. The learned Judge strongly enjoined all respectable persons having the least weight and influence in Society, to discountenance party feeling, for His Honor well observed that the Province had "progressed for half a century and more, in moral and social improvement, before the demon party was known, and it was to him a source of the deepest regret to be apprised of political and religious feuds being introduced in the land. The sacred name of *religion* was desecrated by the connection."

Expense of the Canadian Insurrection.

Amongst the Parliamentary papers just issued is the following:—"Estimate of the further amount that will probably be required for the year ending 31st March 1843, to defray the expenses of the service in Canada, consequent upon the late insurrection in that Colony, for pay, clothing, &c. of Militia and Volunteers, £108,000."

Fashionable Movements.

Prince Murat, son of the ex King of Naples, who arrived here yesterday in the Acadia, *en route* for Europe, was on the race ground yesterday in company with His Excellency Lord Viscount Falkland.

His Excellency Lord Falkland will shortly remove to the Commissioners' building, in the Dockyard, to remain there while the Government House is being painted and fitted up by the Commissioners of Public Buildings.

Sir Charles Adam, Vice Admiral of the White, now at Halifax, will shortly sail for Canada, on a visit to the Governor General.—*Halifax Post.*

☞ At the fifth annual meeting of the St. John Sacred Music Society, held on Wednesday evening the 3rd instant, the following Gentlemen were chosen office bearers for the ensuing year:—Mr. Alexander Lawrence, President; Mr. Z. Estey, Vice-President; Mr. L. H. Waterhouse, Secretary; Mr. George Whittaker, Jr., Treasurer; and S. K. Foster, Esq., Conductor:

and the following Gentlemen were elected a Committee:—Messrs. Samuel Bustin, John W. M'Leod, Charles J. Melick, Stephen Whittaker, and Thomas Hatheway.

The New Jail.

We recently paid a visit to this building, which is now nearly completed. It is a substantial erection, and built of the best materials. There are rooms which might accommodate about forty debtors, and thirty criminals. But there is a want of *convenience* in the apartments, which militates against the comfort and health of the parties confined. A Jail is not intended to be a place in which the health of the unfortunate prisoner is to be destroyed, but, as the case may be, it is either an abode of punishment, or of security. So far as the *debtors'* apartments are concerned, we believe that the evil, to a certain extent, is to be remedied.

☞ This Jail has been a failure from the beginning—badly drained, badly ventilated, and of unsuitable accommodation. It is now twenty two years since it was built, and yet it is made to serve the purposes of a City of a population increased by at least one-third in number. St. John requires a new Jail.

Militia General Orders.—*Fredericton, August* 29, 1842.

His Excellency the Commander in Chief has been pleased to make the following promotions, &c.:—

Rifle Battalion—St. John City Rifles.

Major J. V. Thurgar to be Lieutenant Colonel, 29th August 1842.

To be Major—Captain and Adjutant William H. Street, 29th August 1842.

To be Captain—First Lieutenant Thomas A. Sancton, vice Millidge, appointed Adjutant, 29th August 1842.

To be First Lieutenants—2nd Lieutenant Charles M'Laughlan, vice Sancton promoted, 29th August 1842; 2nd Lieutenant Charles Merritt, vice M'Millan left the Province, 30th August 1842.

To be Second Lieutenants—William Carvill, Gent., vice M'Lauchlan, promoted, 29th August 1842; Henry J. Chubb, Gent., vice Merritt promoted, 30th August 1842; Thomas R. Gordon, Gent., vice W. H. Robinson, left the City, 31st August 1842; John M. DuVernet, Gent., 1st September 1842; William Warwick, Gent., 2nd September 1842.

Captain Thomas B. Millidge to be Adjutant, vice Street promoted, 29th August 1842.

2nd Battalion, Kent.

Aaron B. Hanington to be Lieutenant, vice Charles Sevret, retired from lameness, 29th August 1842.

By Command. George Shore, *A. G. M.*

☞ The "Ashburton Treaty," (so called,) on the North Eastern Boundary dispute, completed between Great Britain and the United States.

Death of Captain the Hon. J. H. Pery, of Her Majesty's 30th Regt.

This gallant Officer died at 12 o'clock on Saturday night, at his residence, (lately occupied by Major Locke, of the Royal Artillery,) after an illness of about two months. Captain Pery was 29 years of age, and was next brother to the present Lord Glentworth, and son of the late Lord Glentworth; he was grandson of the present Earl of Limerick. This young man has gone

down to the grave in the prime of life, and cut off from all the honors that were in store for him, universally lamented by his brother officers. "He was one of the most unassuming amiable young men"—says a brother officer, and intimate friend—"that I have met with in the course of a long service," and his premature death has cast a melancholy shadow over the spirits of all the gentlemen in the Regiment, amongst whom Capt. Pery was a general favourite. He was interred in the old Burial Ground.

SUPREME COURT.—MICHAELMAS TERM, 6TH VICTORIA, 1842.

Andrew C. Black, James A. Harding, Thomas T. Wyer, William C. Hare, Allan A. Davidson, James P. Wetmore, Edward H. Wilmot, A. M., Gentlemen, Attorneys of this Court, are admitted, sworn and enrolled Barristers.

William M. Howe, A. B., an Attorney and Barrister of the Supreme Court for the Province of Nova Scotia, having produced the requisite Certificates, and having been examined as to his fitness and capacity, is admitted, sworn and enrolled a Barrister of this Court.

William Henry Shore, Gent., Master of Arts, and Charles Doherty, Solicitor of the Court of Chancery, and Attorney of the Supreme Courts, Ireland, having produced the requisite Certificates, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attorneys of this Court.

Death of Chief Justice Blowers, aged 100 *years.*

The Hon. Sampson Salter Blowers, we learn from the Halifax papers, died on Tuesday last, at the venerable age of 100 years. He was formerly, and for many years, Chief Justice and President of the Council of Nova Scotia. He was buried on Friday last.

The St. Patrick's Society.

The St. Patrick's Society of St. John held a meeting on Wednesday evening, the 2nd inst., to express their feelings of approbation on the re-instatement of their countryman, the Hon. Thomas Baillie, to the offices of Surveyor General and Commissioner of Crown Lands in this Province. A resolution, couched in language to such effect, was unanimously passed, and the President, Wm. End, Esq., was authorized to communicate the same to the Hon. Mr. Baillie. The following is a copy of the letter:—

ST. JOHN, NOV. 3rd, 1842.

My Dear Sir,—I need not say that I am happy in communicating the enclosed Resolutions. I witnessed, and, in some degree, resisted the advance of those who attempted, and thought they had achieved your ruin. But it is as Irishmen, not as politicians, that the Society have addressed you. They (and, I trust, all Irishmen) have seen with regret, that few, indeed, of our countrymen have attained any post of honor or emolument in New Brunswick. None in its Executive Council; you alone in the Legislative; Dr. Wilson and myself, a small proportion, indeed, among the thirty two members of the House of Assembly; one Sheriff; one Clerk of the Peace; four or five Magistrates in nearly that number of hundreds who are honored by the Queen's Commission. Your removal from office was, therefore, lamented as affecting our national pride. We rejoice at your return.

Believe me, my dear Sir, yours truly, WILLIAM END.

HON. T. BAILLIE,
Surveyor General and Commissioner Crown Lands.

☞ Mr. Baillie's Reply is merely an echo of the above.

Removal of the Custom House Offices.

The old building, long known as the Custom House, was evacuated on Saturday, by the Collector and the various Officers on his List. The new Custom House, erected by John Walker, Esq., is to be the quarters in future.

Getting Lost in the Woods.

A young woman, named Elizabeth Thomas, left Halifax on the 16th ult., to visit her parents who resided at Sambro, about twenty miles distance, we believe. On her journey she strayed into the woods, where she sustained life for seven days, by sucking ice. She was at last discovered by two boys, to whom she made known her sufferings; but, boy-like, they paid no attention to her. They informed their parents of the affair at bed time. Next morning, Mr. Brunt, father of the boys, went in search of her, when she was discovered in the large crevice of a rock, scarcely alive. She was shortly after removed to Mr. Brunt's, while he went to obtain his horse, to convey her to the house of his parents. During the time of Mr. Brunt's absence, obtaining a horse, the father of the unfortunate girl arrived in search of her. She was taken home from Mr. Brunt's, where she remains under the Doctor's hands. Amputation of one foot, it is thought, will be necessary, as it is so severely frost bitten. She is 17 years of age.

☞ The Governor General's (Sir Charles Bagot) health, by last advices from Canada, was in a very precarious state. It is said that he will immediately proceed to England, and that Lord Elliot, Chief Secretary for Ireland, will probably succeed him.

1843.

The Lectures at the Mechanics' Institute (St. John) for January, will be as follows:—

January 6th and 9th.—Professor Jack, of King's College, Fredericton, on "the Properties of Matter."

11th and 13th.—Mr. George Roberts, Principal of the Collegiate School, Fredericton, on "Acoustics."

16th.—Mr. George Blatch, on "Common Errors."

18th and 20th.—Mr. M. H. Perley, on "the Rivers of New Brunswick."

23rd and 25th.—Mr. George Blatch "A philosophical dissertation on History, and incidentally on the Ottoman Empire."

27th.—Dr. R. Bayard, on "the Philosophy of Health," in continuation.

30th.—Rev. Mr. M'Gregor, on "Philosophic Attraction."

Repeal.

A meeting was held one evening last week in Halifax, to take into consideration the repeal of the Union, (Irish.)

Reform Supper.

On the 10th January the friends of Isaac Woodward, Esq., one of the candidates for the House of Assembly for the City of Saint John, met together

at the Brick Building in Germain Street, head of Church Street, then occupied by Mr. Thomas Gard. It was one of the finest and most influential Festivals ever held in Saint John, attended by several "leading citizens," and rising politicians, some of whom have long since made their mark in the Legislature, at the Bar, upon the Bench. Dr. Wm. Livingstone did the honors of the Chair, and in a manner that made the company individually happy and agreeable one towards another. The Doctor was selected for the post, from having been at that time the leader of the Reform movement in Saint John. For a long time he conducted one of the morning papers, and his writings were scathing to every political delinquent who happened to incur his hostility. He was, without exception, the most off-hand, ready writer of the day in the Province. His editorials were mostly written after midnight, when his professional toils of the day were over. Perhaps no private gentleman in Saint John, ever did more in the cause of civil, religious, and political liberty, than Doctor Livingstone. No man in the Province has deserved higher political promotion from the Reformers of New Brunswick. And yet no man has received less Government recognition for all that has been done by him for the country. In saying this much, however, the writer is not presuming that the gentleman in question ever expected, much less asked, for a favour at the hands of any politician. But this the writer will say, that the first appointment that was made to the Legislative Council, after the Liberals went into office in 1855, and had an opportunity of doing justice to a man of tried stamina, should have been Dr. Livingstone, of Saint John. Further reasons in support of this assertion will appear in due time in the second Volume.

On introducing the leading toast of the evening, Dr. Livingstone remarked that he felt well satisfied that every one present would heartily join with him in pledging a bumper on the present occasion. For while we contemplate the grandeur and power which surround the British Throne, we cannot but feel proud of our country, and that doubly so when we recollect how British power and British sway are exercised in the remotest parts of our boundless Empire, and on which the sun never sets. And yet, all this unlimited power centres in the hand of one amiable and youthful female, who exercises all the important functions of sovereignty with that superlative dignity and justice which claim for her the admiration and wonder of the civilized world:—yet, independent of all these weighty cares which rest upon her brow, she also shines the brightest star in the domestic wreath of England's lovely women!

"May heaven long bless, prosper and protect our beloved Queen Victoria, and Her Royal Consort."

The toast was drank with nine times nine real British cheers.

Sir Wm. Colebrooke (Lieut. Governor.)

In the course of an excellent speech, made at the above Festival, M. H. Perley, Esq., thus alluded to Sir Wm. Colebrooke, on His Excellency's health being drunk:—"He rejoiced to find that the talents and experience of Sir Wm. Colebrooke, were beginning to be understood, and duly appreciated in New Brunswick. As all the gentlemen present might not be aware of the long services of Sir William, he would take the opportunity of mentioning, that His Excellency commenced public life as an Artillery officer,

and having been in active service against the enemies of his country in the East, had risen to the rank of Lieutenant Colonel. That for many years past he had been engaged in the civil service of his Sovereign, first as a Commissioner for reforming abuses in Ceylon, and at the Cape, and subsequently as Governor of various Colonies, both in the East and West Indies. During his long service as Governor in various climes, and under every variety of circumstances, His Excellency had gained great experience in Colonial government, from the opportunities of observing the practical working of different systems, and the several advantages of each. To this well earned experience, Sir William added a thorough knowledge of the true principles of the British Constitution, and an intimate acquaintance with the Common Law of England; and as a professional man, Mr. P. would say, that he had not met with any person, who had so thoroughly mastered the Common Law, and its history, as Sir Wm. Colebrooke. It had been alleged that Sir William was a mere theorist, a visionary, who sought to experiment upon the Province, but such was far from being the case; Sir William sought to confer upon New Brunswick, the advantages of the experience gained in other Colonies, by introducing into this, the true principles of the British Constitution, and *carrying them into practical operation.* Heretofore, these principles, though well known and acknowledged, had not been acted upon; henceforth they would be adopted as the rule of conduct, and rigidly carried out."

The Fishery Draft.

There was great excitement on Monday, at the City Court Room, on account of the drawing of the Fishery Draft. The room was crowded nearly all day—all hands were looking out for No. 1; but unfortunately only *one* got it, and that *one* was Mr. Thomas, one of the Branch Pilots. Like Jacob Faithful, the disappointed *ones* thought to themselves, no doubt, "better luck next time." We will sell our own number to any one who chooses to buy it—and give credit for the payment; it is about 1100. Now's the chance for some fisherman who wants a high number, upon reasonable terms.

POLITICAL

NOTES AND OBSERVATIONS.

FREDERICTON, N. B.

OPINIONS OF THE PRESS.

(From the Carleton Sentinel.)

* * * That a history of the stirring events of this Province during the past twenty five years, in which time the great struggles for constitutional reform have been made, and with evident success; if well written by a man conversant with the subject, and having the ability to present the facts in a manner intelligent and attractive, neither too cumbersome on the one hand, or too glib and careless on the other, will meet with a hearty welcome throughout the Province, there can be no doubt. Mr. Fenety certainly possesses ability of the character described, as he has shown in the number before us. His life during a large part of the time of which he writes was spent conducting the *News*, Saint John, a recognized leader of public opinion on political questions, and therefore he possessed unusual advantages for obtaining information on the events of the times, as well as understanding how the political machinery of the Province was worked, whether by seen or unseen hands. Having now retired from the arena of active politics, Mr. Fenety can look upon the notes of the past with a judgment not biassed as it may have been when those notes were jotted down; years which make men naturally more conservative may have mellowed down convictions at one time perchance ultra. We therefore look for a continuation of the book as promising to be a most desirable "reminder" for the old politicians, a hand-book for the student of Provincial politics, and valuable and interesting study for readers generally.

(From the Head Quarters.)

We have before us the first number of Mr. G. E. Fenety's proposed work—that has been advertised for some time past—"Political Notes and Observations," being "a glance at the leading measures that have been discussed in the Assembly of New Brunswick" under four administrations. Our first impression of this work is decidedly favorable, and first impressions, proverbially, go a great way; its appearance is very attractive. Mr. Fenety, from his long connection with the Press of the Province, his experience as a critic of public events and as a writer, his intimate knowledge of the events he narrates, the material at his command, together with his natural shrewdness and ability—comes to his task well prepared to execute it satisfactorily. Some time retired from the heat and hurry of his former life, out of the turbid and exciting flow of political movement, he can bring calm judgment and mature reflection to bear upon the work he has undertaken, and is now better able to estimate the bearing and magnitude of events that were the engrossing topics of his more active days. It is, it must be confessed, a very nice task to narrate events within the memory of many now living, some of whom were prominent actors in the play, without wounding susceptibilities and arousing the, perhaps, not yet extinct embers of party fires. It will require judicious handling, which need not, however, impair the force or the broad truth of the narrative. Mr. Fenety, we should think, is far too shrewd a man to allow any party predilections to get the better of

his judgment, and he must know that rigid impartiality and comprehensiveness are what will give real value to his book. The work is intended to furnish rather a manual for the student of Provincial politics than a systematic history, to collect the materials rather than to construct the work. Though its scope is modest, it will not the less be interesting and valuable. As it is, as far as we know, the first venture of the kind that has appeared in New Brunswick, and as this Province has not been prolific in literary enterprise, Mr. Fenety's book ought to be warmly received and kindly criticised. The book must live by its inherent merit, but merit is not sufficient for success, it must have an encouraging reception. We hope that it will have it from all parties.

The publication of these "Political Notes and Observations" at this juncture, is, we cannot help thinking, well timed. At this period, when the Province is entering upon an untried stage of existence, it is interesting to look back upon its political progress within the last quarter of a century, and in that view the present position of affairs appears the natural result of what has gone before.

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The first number of the "Political Notes" contains a great amount of interesting matter, such as the agitation for the surrender of the initiation of money grants, the fixing the qualifications of members of the Legislative Council—measures that prepared the way for Responsible Government—the state of the Crown lands, of the revenues, the establishment of the Provincial Association for protection to the manufacturing and agricultural interests of the country, &c. The account given of the address of the New Brunswick Legislature, which was supplemented outside by addresses from several constituencies of the Province, to Sir Charles Metcalf, Governor General of Canada, in support of his high exercise of the prerogative, and against the advice of his Council, after the first introduction of Responsible Government into that Colony, and the political movement that flowed from it, is very interesting. Besides showing the stronghold that the old system of Government had in this Province, which was the last to move and the hardest to move, in the path of this so called reform, this transaction proves, we think, how men in the hurry of political movement hardly ever stop to think or calculate the result of their actions, and also how a cool and wary politician can turn adverse circumstances to profit, and take advantage of the short sightedness of their opponents. But we must refer our readers to the book itself.

(From the Church Magazine.)

The first number of this useful and interesting work gives evidence that should a sufficient number of subscribers be obtained to warrant the publication of the twelve succeeding numbers at present contemplated, no better record of the kind is likely to see the light in this Province. No one else can have in his possession the same indispensable facilities for prosecuting this particular political history of the Province for the past twenty five years.

But there is, it seems to us, in the appendices to the chapters "embracing a notice of all important local occurrences," a still more interesting and valuable collection of facts, which but for Mr. Fenety's enterprise and patient industry, would most likely have been lost to us; and we trust that should he be obliged for want of sufficient encouragement to abandon his present project, which must of necessity involve a considerable pecuniary outlay, he

may be induced to give us in some other shape what he intended to publish in the appendices, so that the events of past days may be preserved for ourselves now, and for those who may come after us.

(From Stewart's Literary Quarterly Magazine.)

* * * The general scope and plan of the work is sufficiently simple. It is in effect a history of the rise and progress of Responsible Government in New Brunswick, and if the author's intention of bringing the work down to the present day is carried out, it will undeniably form one of the most interesting and instructive books ever offered to the people of this Province. As we recede from the period when the old system flourished, when the antiquated ideas that the many were made to be governed and the few to govern prevailed, when a close oligarchy opposed itself to that policy of progress combined with economy, which has become the Alpha and Omega of our politicians, it is more difficult for us to realize the abuses of the old order of things or appreciate the advantages of the new, unless some work such as the one before us, is at hand, to serve as a mirror of the bygone times. A new generation has grown up since the downfall of the old system, and one much more eager to look forward to the "promise of the future" than recall the abuses of the past.

The author of this book brings to his aid many advantages for the task he has undertaken. For a quarter of a century he was an active worker in the same political field in which the advocates of Responsible Government toiled. He conducted the leading newspaper of his party throughout that period, and he is able to recur to the leading events and characters who figured in that portion of our history with the vivid recollection of personal familiarity.

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In the days when the Liberal party of New Brunswick were fighting the battle of freedom, Mr. Fenety uttered no uncertain sound. Indeed the country can never repay him all that it owes him for his public services. * * * His record as a politician and a public man, during the twenty odd years that he was before the people of New Brunswick, is most creditable to him as exhibiting great integrity of character and political consistency.

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In his preface, the author disclaims all feeling of partizanship in reference to the subject of which he treats; but, unless we are greatly in error, he will find it all but impossible to keep his promise. Nor are we among those who believe that the quality of thorough impartiality is a necessary one in such a work as this. Reponsible Government is now fixed on a secure basis, and no one pretends openly, to deny its excellence—although, no doubt some of the dethroned families secretly long for a return of the old system. This being the case, it would add nothing to the value of this book, and probably diminish its interest considerably if it was written in the cold blooded and impartial style of Hallam. Fortunately, however, for his undertaking, the author has either not attempted to carry out or has entirely forgotten the promise in his preface—for the introductory chapter which describes the political state of the Province before the agitation for Reponsible Government commenced, is so powerfully written, and in a strain so much more like the address of an advocate than the charge of a Judge, that it is impossible for any one to read it without experiencing the liveliest indignation at the old system and its supporters. This is not precisely the effect that the "soberness of history" of which the author speaks is calculated to produce

—although, we regret to see him use so unmeaning a phrase: "the soberness of history," being merely a hackneyed conventional apology for the dullness and incapacity of historians.

When another number of Mr. Fenety's work is before the public, we will be able to enter more fully into a study of the times of which he writes, and furnish an article which will both edify and amuse our readers. But we cannot now take leave of this work without expressing the hope, that its reception will be sufficiently favorable to justify the immediate and speedy issue of the remaining numbers, and we trust that it will prove as remunerative to the author as it is likely to be valuable to the public at large.

(*From the Sackville Borderer.*)

We have much satisfaction in recommending to the intelligent public the above titled volume, one of the earliest numbers of which we have, through the courtesy of the Editor, been able to lay upon our table. We would deem it almost needless to do more than mention the fact of its publication, in order that its sale might be large, and its merits appreciated by all who take an interest in the political history of the Province, particularly when it is introduced under such a name as that of Mr. Fenety, so long and widely known in connection with the Newspaper Press. But at such an interesting epoch in our history does it come forward, and such a vacancy does it promise to supply, we feel it our duty to speak more at length concerning it than we otherwise would. The number before us is but the first of a series contemplated by the author, and contains, besides the Preface and General Introduction, four Chapters, which lucidly and impartially (we think) set forth the state and history of the Province from 1841 to 1844, describing in lively and piquant style the early struggle for the constitutional form of government we at present enjoy, and containing a large amount of valuable information, to be found no where else without considerable trouble and outlay. Of course, from the fragmentary character of the present number, we are not in a position to pronounce satisfactorily upon the whole design, yet we do feel authorized to assert that if succeeding numbers equal in design and execution the one we have just perused, the thanks of all the sons of New Brunswick are due Mr. Fenety for his labours in its authorship. Confederation concludes the separate history of New Brunswick, and henceforth her political horizon extends far beyond the boundaries she has been accustomed to look upon in the past, yet this ought not to lead any of her children to neglect the study of her former history, which, although pertaining to but small numbers of people, has been as exciting and has called forth as many examples of heroism, virtue and eloquence, as that of any similar country in the world.

With the first struggles for Responsible Government Mr. Fenety's book begins, and it will close with the inauguration of the "New Dominion," under which the Province assumes new relations and sets out in a new and yet untried pathway. Within this brief period, and within the narrow boundaries of the Province, a vast mine of interesting incidents has been concentrated; and if the forthcoming numbers unfold these in their order of importance and interest, we predict, when the publication shall be completed, not only a valuable political text book for our young politicians and statesmen, but a most readable and agreeable volume for all classes of society. The author has divested himself of all partiality, and his aim is not to pro-

duce a distorted and one sided view, but one broad and comprehensive;—not to tell what in his opinion ought to have been done, but what has actually been done; neither to villify the champions of one set of measures or to unduly exalt those of another, but to place before the people of the country an account of the noble labours of the honorable leaders and supporters of all classes of opinion whom the Province has recognized from the first of her history as a constitutionally governed territory.

(*From the True Humorist.*)

We hail with pleasure the opening part of a work, which promises to be the most interesting and instructive political repast ever laid before the public of New Brunswick, simply because it is from the pen of a racy writer, and relates wholly to the history of our Province, commencing a quarter of a century ago.

The preparatory remarks of the author give a brief sketch of the early days of journalism, commencing in 1839, when he brought the *Morning News* into existence. This paper was the pioneer in inaugurating those political reforms, which, at this present time, are cherished as unpurchaseable privileges. Here, also, the author very modestly and in good taste calls attention to his object, in his "ripening years," for gathering together the materials of the past—almost faded from public remembrance—and placing them before the "political student" of the present time, that he may know of the struggles and appreciate the motives which prompted the men who engaged in working out the great problem of responsible government, and other reforms it is our happiness now to enjoy.

The introduction, which occupies twenty-one pages, is made up mostly of a retrospective view of the systems of Government that obtained, both in this and in adjoining Provinces, and which are contrasted with the systems that prevail at the present time. It is a clear, lucid and truthful view, and cannot fail to find intrinsic merit at the hands of every one at all interested in the political history of the Colonies.

The remainder of the pamphlet is the most interesting, as it specially refers to the political events transpiring in our own Province from the time when Sir William Colebrooke assumed the administration of affairs in 1841, down to the period in 1844, when Doak & Hill, publishers of the *Loyalist* newspaper, were arraigned at the Bar of the House, charged with "breach of privilege."

We have not space in our little paper to give this book the lengthy notice it deserves. Its publication supplies a link in the chain of our country's political history, recalls the past, with its stirring events, which afforded pleasure to the men who lived in those days; while at the same time it informs the present generation on many points which, before, were only half understood.

(*From the Fredericton Reporter.*)

We have received the first number of this work, and are not disappointed in the expectations we formed of it when we first heard of its issue. The qualifications of its author for the task he has undertaken are undeniable, and his long connection with the newspaper press of this Province, gives him an advantage over most people in the execution of a work of this description. For the student of political economy, who wishes to learn the past political condition of his native Province, this work will be most invaluable, and as a work of reference it should find a place in the library of every intelligent man.

(From the Saint John News.)

The work purports to be a glance at the leading measures that have been introduced and discussed in the House of Assembly of New Brunswick under the administrations of Sir Wm. M. G. Colebrooke, Sir Edmund Walker Head, Hon. J. H. T. Manners-Sutton, and Hon. Arthur Gordon, extending over a period of twenty-five years. To each chapter there is attached an appendix embracing notices of all important local occurrences as the record proceeds.

The number before us runs through five chapters, and covers a period from 1840 to 1844. The preface and introduction occupy some twenty-seven pages, and the body of the work ninety-six. The information presented in the number before us is calculated to be of much value, especially to public men. All the facts, incidents and particulars are presented in a readable form, and concise language; and great care has evidently been exercised to make the volume the work of reference it is designed to be. We wish the author success in his efforts.

(From the Saint John Journal.)

These notes will pass current all over the Province at least. They embrace just such matters in the political history as the people wish to recall, and the particulars of some of which are in danger of being lost, owing to the want of historical archives in the Province, or even complete sets of all the newspapers which have been published during our brief history. The number before us not only promises to supply a fair political history of the period to which it relates, but also to aid in furnishing materials for a proper history of the Province, including social changes and manufacturing progress. The notes included in the appendix to each chapter are quite interesting, and will add largely to the popularity and sale of the publication. This is an important matter, no doubt, but their insertion immediately after each chapter, instead of at the end of the volume, an evil partly incident to a serial mode of publication, mars the beauty of the work. Whenever a reprint of it is demanded these notes will be relegated to the end of the volume.

(From the Saint Croix Courier.)

This is the title of a work by George E. Fenety, Esq., Queen's Printer, the first number of which has just been issued by S. R. Miller, Fredericton. Its object is to afford a comprehensive glance at the leading measures that have been discussed in the Assembly of New Brunswick from 1842 to the present time, embracing the administrations of Sir William M. G. Colebrooke, Sir Edmund W. Head, Hon. J. H. T. Manners-Sutton, and Hon. A. H. Gordon. There is an appendix to each chapter combining a notice of all important local events, which adds materially to the value of the work. We have read the first number with a great deal of interest, and feel that Mr. Fenety's present effort will be a most valuable contribution to Provincial literature. Having been connected with the newspaper press during the greater portion of the period of which he writes, there is no one better qualified to discuss the political questions of the time, and we are pleased to see that he is doing it in a spirit of marked fairness and impartiality. The work will be valuable to all, and particularly so to the political student, as it treats of one of the most interesting periods of our Provincial history,—the struggle for Responsible Government, its ultimate triumph, and successful working. We hope the author will receive sufficient encouragement—in the way of subscribers—to justify its continuation in numbers, according to the present plan. Every person in the Province should have it as a book of reference.

(From the Fredericton Farmer.)

This work, a copy of which the author has kindly furnished us, is very well worthy the attention of the public; first, because the subject is one of general interest, and secondly, because there is no one in the Province better qualified than the author for the work he has undertaken. The history commences at the year 1842, a period when Provincial politics passed through

their most exciting phase; and if for no other reason than to give the youth of the Province a proper idea of the growth of the present system of government, this work should receive a large circulation. We trust that Mr. Fenety will receive sufficient encouragement to lead him to continue this valuable history up to the present date; and we earnestly recommend our readers to give him their support.

(*From the Saint Andrews Standard.*)

The first number of this useful work has been received, and fully sustains the expectations we formed of it.—We very well remember many of the incidents so graphically noticed by its author and so correctly given by him; and may add, that the political student can rely upon its correctness, and learn the past political condition of this Province. We do not know of any one better qualified or who would more fairly represent the true state of feeling then existing, than Mr. Fenety, whom we have had the pleasure of being acquainted with from the time he issued the first number of the "Morning News." We trust that this work will find a place in every family in the Province, and that its compiler will receive a pecuniary reward for his labors.

(*From the Religious Intelligencer.*)

It must certainly prove a valuable addition to our Provincial Literature, and a convenient reference for politicians, political students, and all others anxious to post themselves up in the past history of our Province. We have no doubt that the enterprise will be sufficiently encouraged to warrant its completion.

(*From the Saint John Globe.*)

We received this morning the first number of Mr. Fenety's "Political Notes and Observations," and have been able simply to hastily look the pages over. They commence with an exciting period of our political history, (1840) and will continue down to the present time. They seem to contain a great variety of useful information, political and social; but of this we will be better able to speak hereafter.

(*From the Saint John Freeman.*)

We received on Tuesday the first number of Mr. Fenety's Political Notes and Observations. This number gives a brief but very interesting review, rather than history, of the political events from the years 1842 to 1844, inclusive, when the agitation for the establishment of Responsible Government began to gain strength, and the bulwarks of the old system began to crumble, and the Lieutenant Governor was more careful of the people's rights and the people's money than were the majority of the representatives of the people themselves. This number proves conclusively that the work will be most interesting and valuable to all who care to know anything of the past history of this Province, or of the growth of the system of government, now overthrown, under which the country throve and prospered. The work should rather be called the "History of the Rise and Fall of Responsible Government in New Brunswick."

(*From the Halifax Chronicle.*)

We have received the first number of "Political Notes and Observations, or a glance at the leading measures discussed in the Assembly of New Brunswick from the days of Gov. Colebrooke until the departure of Gov. Gordon." It is the work of G. E. Fenety, Esq., Queen's Printer. From the interesting matter ably treated in it, and the creditable style in which it is got up, we predict for this work a large sale in the Maritime Provinces at least.

☞ [Complimentary Notices from the Saint John "*Church Witness*," Halifax "*Express*," and other papers, omitted for want of room.]